

Legal Review of the Indonesian National Police Code of Ethics in Ministerial Regulation Number 7 of 2022 concerning the Code of Professional Ethics and the Police Code of Ethics Commission of the Republic of Indonesia

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Abstract. Ministerial Regulation Number 7 of 2022 aims to boost the Indonesian National Police (Polri) by enforcing clear ethical standards and transparent accountability measures. It seeks to enhance Polri's effectiveness as protectors and servants of the community while fostering an organizational culture centered on integrity and professionalism. Beyond ethical guidelines, Polri members are also subject to criminal law under the Criminal Code (KUHP). For instance, Article 351 addresses assault, imposing criminal penalties on offenders within Polri. Similarly, Article 368 addresses extortion, emphasizing that Polri members must adhere to both ethical and legal standards to maintain integrity and professionalism. This normative study used statutory and conceptual approaches, relying on secondary data with qualitative and descriptive analysis. Conclusions were drawn deductively, focusing on the impact of Ministerial Regulation Number 7 of 2022. The study concluded that the regulation provides a robust framework for enhancing Polri's integrity, professionalism, and accountability, guiding members to fulfill their duties responsibly and prioritize community service.

Keywords: Legal Review, Indonesian National Police, Code of Ethics, Ministerial Regulation Number 7 of 2022, Code of Professional Ethics

1 Introduction

The review of the Indonesian National Police (Polri) Code of Ethics in the Coordinating Minister for Political, Legal, and Security Affairs Regulation Number 7 of 2022 concerning the Code of Professional Ethics and the Commission for the Code of Ethics of the Republic of Indonesia National Police represents a significant advancement in efforts to strengthen the integrity and professionalism of the Indonesian National Police (Polri). The regulation establishes standards of behavior and responsibility that must be embraced by every member of the Polri to ensure that police duties and functions are carried out with full responsibility and respect for human rights. This is crucial for building public trust in the police institution[1].

The articles in this regulation intricately regulate various aspects related to the police professional code of ethics. For example, Article 5 emphasizes the obligation of members of the Indonesian National Police (Polri) to act professionally, with integrity, and refrain from abusing authority. This article underscores the importance of honesty, fairness, and transparency in every action taken by members of the Polri, with adherence to these principles expected to prevent violations of human rights and corrupt practices within the police force. Furthermore, Article 8 of the Coordinating Minister for Political, Legal, and Security Affairs Regulation Number 7 of 2022 governs the establishment of the Polri Code of Ethics Commission. This commission functions as an independent body to oversee and enforce the professional code of ethics of the Polri[2]. This commission is empowered to conduct investigations, hold ethics hearings, and impose sanctions on members of the Indonesian National Police (Polri) who violate the code of ethics. The existence of this commission aims to ensure that every violation is handled objectively and transparently.

Article 12 highlights the procedure for handling violations of the police code of ethics by the Police Ethics Commission. This procedure includes stages such as initial investigation, evidence gathering, and decision-making in ethics hearings. Every decision made by the commission must be based on strong and accountable evidence. This is important to maintain fairness and impose deterrent effects on members of the Indonesian National Police (Polri) who commit violations. The implementation of Ministerial Regulation Number 7 of 2022 concerning the Code of Ethics and Commission on Police Code of Ethics by the Coordinating Minister for Political, Legal, and Security Affairs is expected to enhance the quality and accountability of the Polri in carrying out its duties. With clear ethical standards and transparent enforcement mechanisms, it is hoped that the Polri can better fulfill its role as protector, guardian, and servant of the community. Additionally, this regulation is also expected to strengthen the organizational culture of the Polri, which is oriented towards integrity and professionalism[3].

The review of the Police Code of Ethics in Ministerial Regulation Number 7 of 2022 on the Code of Professional Ethics and the Commission on Police Code of Ethics of the Republic of Indonesia is a significant step forward in strengthening the integrity and professionalism of the Indonesian National Police (Polri). This regulation establishes standards of behavior and responsibility that must be upheld by every member of the Polri, ensuring that police duties and functions are carried out with full responsibility and respect for human rights. This is crucial for building public trust in the police institution.

The articles in this regulation meticulously regulate various aspects related to the police professional code of ethics. For instance, Article 5 emphasizes the obligation of Polri members to act professionally, with integrity, and to refrain from abusing authority. This article underscores the importance of honesty, fairness, and transparency in every action taken by Polri members. Adherence to these principles is expected to prevent violations of human rights and instances of corruption within the police force.

Furthermore, Article 8 of Ministerial Regulation Number 7 of 2022 concerning the Code of Ethics for the Indonesian National Police, Political, Legal, and Security Affairs Coordinator regulates the establishment of the Police Code of Ethics Commission. This commission functions as an independent body to oversee and enforce the professional code of ethics for the police force. It is empowered to conduct investigations, hold ethical hearings, and impose

sanctions on police members who violate the code of ethics. The existence of this commission aims to ensure that every violation is handled objectively and transparently. Article 12 highlights the procedures for handling violations of the police code of ethics by the Police Code of Ethics Commission. These procedures include stages such as initial investigation, evidence collection, and decision-making in ethical hearings. Every decision made by the commission must be based on strong and accountable evidence[4]. This is crucial to maintain justice and deterrence for police members who commit violations.

The implementation of Ministerial Regulation Number 7 of 2022 concerning the Code of Ethics for the Indonesian National Police, Political, Legal, and Security Affairs Coordinator, is expected to enhance the quality and accountability of the Indonesian National Police (Polri) in carrying out its duties. With clear ethical standards and transparent enforcement mechanisms in place, it is hoped that Polri can fulfill its role as a protector, guardian, and servant of the community more effectively. Additionally, this regulation is also expected to strengthen the organizational culture of Polri, which is oriented towards integrity and professionalism.

In addition to the specific regulations in the Police Code of Ethics, members of the Indonesian National Police (Polri) are also bound by provisions of criminal law in the Criminal Code (KUHP). For example, Article 351 of the KUHP regulates the criminal act of assault. Police officers found guilty of assault can be subjected to criminal sanctions according to this provision. This demonstrates that apart from ethical sanctions, legal violations can also entail criminal penalties. Article 368 of the KUHP regulates extortion. If a member of the Polri engages in extortion, they not only violate professional ethical standards but can also be subject to criminal sanctions under the KUHP[3]. It is important to emphasize that the integrity and professionalism of members of the Polri are not only monitored internally but also juridically by the criminal justice system. Additionally, Article 421 of the Criminal Code (KUHP) regulates the abuse of authority by public officials, including members of the Polri. If a member of the Polri uses their position to harm others or unfairly benefit themselves, they may be subject to criminal sanctions under this article. This reinforces the principle that the authority held by members of the Polri must be used responsibly.

Article 372 of the Criminal Code (KUHP), which regulates embezzlement, is also relevant to members of the Polri. If a member of the Polri misappropriates assets or entrusted goods for personal gain, they may be subject to criminal sanctions. This regulation is important to maintain public trust and ensure that members of the Polri behave honestly and can be trusted in carrying out their duties. With the provisions in the Criminal Code complementing the Polri's code of ethics, it is hoped that members of the Polri will be more aware of the importance of maintaining integrity and professionalism in their actions. Adherence to the code of ethics and criminal law will not only enhance the credibility of the Polri but also strengthen public trust in the police institution as a fair and responsible protector and guardian[5].

The filing of civil lawsuits is considered a powerful weapon to directly target perpetrators of criminal acts in the effort to recover assets derived from corruption offenses in addition to obtaining criminal penalties. This should be implemented when the assets mentioned in the previous verdict are found to have other unidentified assets that have not been identified as the proceeds of corruption. Civil lawsuits for asset forfeiture related to corruption cases have specific characteristics, namely, they can only be pursued when criminal efforts are no longer

feasible for use in the state's efforts to recover losses in the state treasury[6]. Situations where criminal prosecution can no longer be pursued include insufficient evidence found; the death of the suspect, defendant, or convicted person; the defendant's acquittal; and the suspicion that there are proceeds of corruption that have not been seized for the state even though a court decision has become legally binding. With the provision of civil lawsuits for asset forfeiture in the Corruption Law. In carrying out its duties, the Constitutional Court (MK) must ensure that every law it reviews does not violate the constitutional rights of citizens guaranteed by the 1945 Constitution. Articles 28A to 28J of the 1945 Constitution contain provisions regarding Human Rights, which must serve as a reference in the examination of laws. For example, if there is a law deemed to restrict freedom of expression, as stipulated in Article 28E paragraph (3) of the 1945 Constitution, the Constitutional Court must conduct a thorough analysis to ensure that such restrictions comply with the principles set forth in the constitution.

This regulation establishes standards of behavior and responsibility that must be embraced by every member of the Indonesian National Police (Polri), to ensure that police duties and functions are carried out with full accountability and respect for human rights. This is crucial for building public trust in the police institution. The articles in this regulation meticulously regulate various aspects related to the police professional code of ethics. For example, Article 5 asserts the obligation of Polri members to act professionally, with integrity, and refrain from abusing authority. This article emphasizes the importance of honesty, fairness, and transparency in every action taken by Polri members[7]. Adherence to these principles is expected to prevent human rights violations and corrupt practices within the police force.

Furthermore, Article 8 of Ministerial Regulation Number 7 of 2022, issued by the Coordinator Minister for Political, Legal, and Security Affairs, regulates the establishment of the Police Code of Ethics Commission. This commission functions as an independent body to oversee and enforce the professional code of ethics for the Indonesian National Police (Polri). It is empowered to conduct investigations, hold ethical hearings, and impose sanctions on Polri members who violate the code of ethics. The existence of this commission aims to ensure that every violation is handled objectively and transparently. Article 12 highlights the procedures for addressing violations of the police code of ethics by the Police Code of Ethics Commission. These procedures include stages such as initial investigation, evidence collection, and decision-making in ethical hearings. Every decision made by the commission must be based on strong and accountable evidence. This is crucial to maintain fairness and to deter members of Polri from committing violations. The implementation of Ministerial Regulation Number 7 of 2022 is expected to enhance the quality and accountability of Polri in carrying out its duties. With clear ethical standards and transparent enforcement mechanisms, it is hoped that Polri can better fulfill its role as a protector, guardian, and servant of the community. Additionally, this regulation is also expected to strengthen the organizational culture of Polri, which is oriented towards integrity and professionalism[8].

The Presidential Regulation (Perpres) and Government Regulation (PP) also play significant roles in upholding integrity and professionalism within the Indonesian National Police (Polri) institution. For instance, the President has the authority to issue Perpres, which establish strategic policies related to security and law enforcement. Furthermore, further elaboration of Perpres is usually regulated through PP. These PP can govern the detailed

implementation of policies established in Perpres, including enforcement of the code of ethics and discipline in Polri. In the context of the Polri code of ethics, Perpres and PP can provide a strong legal foundation for enforcing the code of ethics and imposing sanctions on Polri members who violate it. For example, Perpres can establish general principles regarding the Polri code of ethics, while PP can regulate the procedures for investigation, ethical hearings, and the imposition of sanctions on Polri members who violate the code of ethics. With a comprehensive legal framework in place, it is hoped that the enforcement of the Polri code of ethics can be carried out more effectively and transparently[1].

In performing their functions, Article 368 of the Criminal Code (KUHP) regulates extortion. If a member of the Indonesian National Police (Polri) engages in extortion, they not only violate the professional code of ethics but also may face criminal sanctions under the KUHP. It is important to emphasize that the integrity and professionalism of Polri members are not only monitored internally but also juridically by the criminal justice system. Furthermore, Article 421 of the KUHP regulates the abuse of authority by public officials, including members of the Polri. If a Polri member uses their position to harm others or unlawfully benefit themselves, they may face criminal sanctions under this article. This reinforces the principle that the authority held by Polri members must be used responsibly. Article 372 of the KUHP, which regulates embezzlement, is also relevant to Polri members. If a Polri member misuses assets or items entrusted to them for personal gain, they may face criminal sanctions. This regulation is important to maintain public trust and ensure that Polri members behave honestly and can be relied upon in carrying out their duties.

Additionally, Presidential Regulations (Perpres) and Government Regulations (PP) can also regulate mechanisms for supervision and reporting related to violations of the Polri code of ethics. For example, these Perpres or PP can stipulate the establishment of supervisory bodies or internal reporting mechanisms that allow Polri members or external parties to report violations of the code of ethics they encounter. It is important to ensure that the supervision and enforcement of the code of ethics are conducted openly and accountably. Furthermore, Perpres and PP can also establish more detailed sanctions against Polri members who violate the code of ethics. For instance, administrative sanctions such as demotion or temporary removal from office, as well as other disciplinary sanctions like written warnings or postponement of promotions, can be stipulated[9]. With these provisions in place, it is hoped that Polri members will pay more attention to the importance of maintaining integrity and discipline in carrying out their duties. Perpres and PP can also regulate protection for whistleblowers or witnesses providing information regarding violations of the code of ethics. This is crucial to prevent intimidation or retaliation against those who dare to report violations. With legal protection for whistleblowers or witnesses, it is expected that more Polri members will be willing to report the violations they witness.

In the context of criminal sanctions against Polri members who violate the code of ethics, Perpres and PP can also regulate cooperation between the Polri institution and other law enforcement agencies, such as the prosecution or other police forces. This cooperation is important to ensure that the law enforcement process against Polri members who violate the code of ethics can be carried out fairly and transparently. Thus, Perpres and PP play a crucial role in maintaining integrity and professionalism within the Polri environment through clear

regulations on the code of ethics, supervision and reporting mechanisms, sanctions, as well as cooperation with other law enforcement agencies.

2 Methodology

This type of research is Normative research. The approaches used are statutory approach and conceptual approach. The data sources used are secondary data. Data analysis is conducted descriptively qualitatively[10]. Conclusions are drawn using a deductive method, which means drawing conclusions from general to specific, especially those related to the research topic, namely the Review of the Code of Ethics of the Indonesian National Police in Regulation of the Minister Coordinator for Political, Legal, and Security Affairs Number 7 of 2022 concerning the Code of Professional Ethics and the Commission on Police Code of Ethics of the Republic of Indonesia. Qualitative data analysis is conducted when the empirical data obtained consist of a collection of words and not a series of numbers, and cannot be organized into data categories; it can be collected in various ways (observation, interviews, document analysis, and recording tapes). Usually, it is processed before being used in qualitative research, including interview transcripts, data reduction, analysis, data interpretation, and triangulation.[11].

3 Result And Discussion

3.1 The Urgency of Reviewing the Code of Ethics of the Indonesian National Police in Regulation of the Minister Coordinator for Political, Legal, and Security Affairs Number 7 of 2022 concerning the Code of Professional Ethics and the Commission on Police Code of Ethics of the Republic of Indonesia.

The review of the Code of Ethics of the Indonesian National Police in Regulation of the Minister Coordinator for Political, Legal, and Security Affairs Number 7 of 2022 concerning the Code of Professional Ethics and the Commission on Police Code of Ethics of the Republic of Indonesia demonstrates the urgency in maintaining integrity and professionalism within the police force. The articles and laws related to this provide a solid legal foundation for upholding high standards of behavior among members of the Indonesian National Police.

One of the urgencies of this review is to prevent abuse of power and violations of human rights committed by members of the Indonesian National Police. The articles in the regulation emphasize the importance of acting with honesty, justice, and transparency in every action taken by members of the Indonesian National Police. This is in line with the legal principles underlying the Indonesian rule of law, which guarantee protection of individual rights[3].

Furthermore, this review also supports efforts to combat corruption within the police force. The high standards of behavior set forth in the regulation serve as a foundation for preventing corrupt practices and abuse of power by members of the Indonesian National Police. By strengthening integrity and accountability within the police institution, it is hoped that corruption can be prevented and law enforcement becomes more effective. The presence of the Police Code of Ethics Commission also highlights the importance of an independent internal

oversight mechanism. This commission plays a crucial role in overseeing and enforcing the professional code of ethics of the Indonesian National Police in a fair and transparent manner. Through objective investigation and ethical hearings, the commission ensures that any violations of the code of ethics are firmly addressed in accordance with applicable laws and regulations.

In the legal context, this review also reaffirms the presence of relevant laws, such as the 1945 Constitution of the Republic of Indonesia, as well as other legal provisions governing human rights, law enforcement, and police authority. Thus, this review serves not only as an internal guide for members of the Indonesian National Police but also as an instrument to ensure that the police operate within a clear legal framework and in accordance with the principles of democracy and the rule of law. Moreover, the urgency of this review is also reflected in efforts to build public trust in the police as a responsible and reliable institution [12]. With clear and consistently enforced standards of behavior, the public can feel safer and trust that the police will act in accordance with ethical and legal principles. This is crucial for strengthening the relationship between the police and the community, thereby fostering collaboration in maintaining security and order.

The review of the Indonesian National Police (Polri) code of ethics also provides a strong foundation for the training and development of human resources within the police force. By upholding high standards of behavior, the police can ensure that every member possesses the necessary competence and integrity to carry out their duties. Through continuous training and development, members of the Polri can enhance their service quality and professionalism to the community.

Furthermore, this review is also relevant to the need for gender equality and the elimination of discrimination within the police environment. By establishing behavior standards that protect the rights of all members, regardless of gender or other backgrounds, the police can create an inclusive and supportive work environment for all members. This is essential for fostering an organizational culture that is fair and supportive of the interests of all members.

In the context of globalization and the complexity of security challenges, the review of the Polri code of ethics also strengthens the position of the police in fostering international cooperation. By having behavior standards aligned with universal principles, the Indonesian police can more easily collaborate with law enforcement agencies from other countries in addressing transnational crimes. This is crucial for maintaining national security and supporting global law enforcement efforts [12].

Finally, the urgency of this review is also related to the evolving technology and information landscape. With behavior standards that encompass the use of technology and social media, the police can ensure that their members use technology wisely and responsibly in carrying out their duties. This is important to prevent the misuse of technology that could harm the public or violate human rights. Thus, the review of the Polri code of ethics is not only relevant to the current conditions but also to the future challenges faced by the police in maintaining public safety and order.

3.2 Implications of the Polri Code of Ethics in Regulation of the Coordinating Minister for Political, Legal, and Security Affairs Number 7 of 2022 on the Code of Professional Ethics and the Commission on the Code of Ethics of the Indonesian National Police

The implications of the Polri Code of Ethics regulated in Regulation of the Coordinating Minister for Political, Legal, and Security Affairs Number 7 of 2022 are highly significant in enhancing the quality and credibility of the Indonesian National Police (Polri). Firstly, this regulation provides a strong foundation to ensure that every member of the Polri acts with integrity, professionalism, and prioritizes service to the community. Thus, members of the Polri are expected to set a good example for the public in upholding ethical principles and compliance with the law.

Furthermore, the Polri Code of Ethics regulated in this regulation also has implications for strengthening the internal supervision system within the police force. The establishment of the Polri Code of Ethics Commission as an independent body to oversee and enforce the code of ethics is a crucial step in ensuring the accountability of Polri members. With transparent and objective oversight mechanisms, violations of the code of ethics can be firmly and fairly addressed, thereby maintaining public trust in the police institution[4].

Moreover, the implementation of the Polri Code of Ethics also impacts the improvement of efficiency and effectiveness in law enforcement. With clear standards of behavior adhered to by every member of the Polri, it is hoped that the law enforcement process can run more smoothly and be free from practices that harm the public. This contributes to the creation of a fairer and more just judicial system for all Indonesian citizens.

Furthermore, the Polri Code of Ethics, which regulates the procedures for handling violations of the code of ethics, also has implications for improving organizational culture within the police environment. With clear and transparent procedures for addressing violations, it is hoped that every member of the Polri can be more disciplined and accountable in performing their duties. This will strengthen unity and solidarity among Polri members and uphold the police institution's good reputation in the eyes of the public[12]. Lastly, the implications of this Polri Code of Ethics can also be felt in efforts to develop the character and morality of Polri members. Through a commitment to adhere to the professional code of ethics, Polri members are encouraged to continue cultivating positive attitudes and values, such as integrity, sense of responsibility, and empathy towards the community. Thus, Polri functions not only as law enforcers but also as agents of change, playing a role in shaping a quality and morally upright next generation.

4 Conclusion

1. Overall, Ministerial Regulation Number 7 of 2022 concerning the Code of Professional Ethics and the Commission on the Code of Ethics of the Indonesian National Police (Polri) provides a solid foundation for enhancing integrity, professionalism, and accountability within the Indonesian National Police (Polri) environment. Through the

provisions outlined therein, Polri members are expected to fulfill their duties responsibly and prioritize service to the community.

2. The implications of the Polri Code of Ethics stipulated in the regulation include the enhancement of internal supervision systems, efficiency in law enforcement, the formation of a strong organizational culture, and the development of character and morality among Polri members. With transparent monitoring mechanisms, clear procedures for handling violations, and a commitment to adhere to high standards of behavior, Polri is expected to become an increasingly trusted institution by the public and play an active role in maintaining security and public order.
3. The established Polri Code of Ethics marks a significant step in strengthening the moral and ethical foundation within the police force. By upholding values of justice, integrity, and service, Polri can make a greater contribution to maintaining the stability and prosperity of the nation. Therefore, it is important for all Polri members to understand, comply with, and internalize the values contained in the Code of Ethics as the basis for carrying out their duties as protectors, guardians, and servants of the community.

5 Suggestions

1. To maintain the successful implementation of the Polri Code of Ethics that has been established, there are several suggestions to consider. First, it is important for Polri to continue enhancing the socialization and training related to the content and implications of the Code of Ethics to all members. Through ongoing educational approaches, Polri members can better understand the importance of adhering to the established standards of behavior and feel the institution's commitment to enforcing the code of ethics.
2. Second, there is a need to further improve the monitoring and enforcement mechanisms of the Polri Code of Ethics. This includes enhancing the role and capacity of the Polri Ethics Commission in conducting investigations, holding ethics hearings, and imposing appropriate sanctions on members who violate the code of ethics. Additionally, transparency and accountability in the enforcement process need to be strengthened to maintain public trust in the police.
3. Finally, it is important to intensify collaboration between Polri and government and non-governmental organizations in efforts to increase awareness of and compliance with the code of ethics. Through close collaboration with various parties, both within and outside the police institution, Polri can expand the reach of socialization and implementation of the Code of Ethics, as well as gain broader support in maintaining integrity and professionalism within the police environment. Thus, Polri will be better able to meet the demands as a quality and responsible law enforcement agency.

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