

Juridical Review of Ethical Sanctions for Police Members Who Commit Desertion

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Abstract. The Public Police of the Republic of Indonesia is an administration foundation whose obligation is to lead the law in policing Indonesia. In completing their obligations, each individual from the police is obliged to follow legal guidelines, including disciplinary issues at work. All tactical organizations all through the nation have an extraordinary legal component known as military equity controlled in Regulation No. 31 of 1997 concerning Military Equity, military regulation is a unique regulation. Infringement of the principles of military regulation outcome in a tactical individual being said to have perpetrated a tactical wrongdoing. This sort of examination is Standardizing research. The methodologies utilized are a legal methodology and a calculated methodology. The information source utilized is optional information. Information examination was completed clearly and subjectively. Closing was done utilizing an insightful strategy. According to the findings of this study, desertion is the act of leaving the unit before the deadline. a minimum of 30 days in a row, or permanent withdrawal. In the mean time, in daily existence, a tactical part is expected to be ready where he should do his obligations. This activity is a demonstration that shouldn't happen in military life. The term renunciation is contained in the KUHPM in Part III concerning Violations that are a Way for a Tactical Individual to Pull out from Completing Help Commitments.

Keywords: Juridical Review; Witness Ethics for Police Members; Desertion

1 Introduction

Disciplinary guidelines for police individuals in view of the detailing of article 1 point 3 of PP No. 2 of 2003 concerning Disciplinary Guidelines for Individuals from the Indonesian Public Police are the implementation, improvement of discipline, and support of the standards of direct for police individuals. Not only are members of the Republic of Indonesia's state police subject to disciplinary regulations based on professional requirements, but Law No. 2 of 2002 concerning the State Police of the Republic of Indonesia which was followed up by Unofficial law of the Republic of Indonesia No. 2 of 2003, which dealt with disciplinary guidelines for state police officers. Indonesia, in accordance with Article 4 of Law No. 2 of 2002 makes sense of that the police have the point of making government backed retirement and request and authorizing the law, making sanctuary, assurance, and administrations to the local area, and recognizing human rights. Based on the news published in the daily newspaper, the latest case

states that at the beginning of 2015, the Papua Regional Police had carried out a disrespectful dismissal of its members, because they were deemed to have violated the discipline regarding the Police code of ethics as well as deserting several violations.[1].

The Public Police of the Republic of Indonesia is an administration foundation whose obligation is to lead the law in policing Indonesia. The police establishment plays a vital part, more solidly the support of the police can't be overlooked in endeavors to maintain public discipline. The Public Police of the Republic of Indonesia as an establishment doing its obligations and capabilities should likewise be founded on the authenticity of material regulation. The fundamental capability of the police is to authorize the law and serve the interests of the overall population. So one might say that the errand of the police is to forestall wrongdoing and give security to the local area. 1 In completing their obligations, each individual from the police is obliged to consent to legal guidelines, including disciplinary issues at work. The introduction of Regulation Number 2 of 2002 concerning the Public Police of the Republic of Indonesia (Police Regulation) turned into the legitimate umbrella for the police in their work notwithstanding different guidelines connecting with the police [2].

The tactical organization is an extraordinary establishment due to its exceptional job and position in the state structure. Military institutions are required to be able to guarantee the discipline and readiness of their soldiers to face any kind of threat to the nation's security and safety because they are the foundation of national defense. Thus, practically all tactical organizations all through the nation have an exceptional legal system known as military equity directed in Regulation No. 31 of 1997 concerning Military Equity (Imperial Team, 2007). Military law is a special law. Violations of the rules of military law result in a military person being deemed to have committed a military crime. Military crimes can be further detailed into ordinary military crimes and war crimes. Apart from that, a military person can also commit legal violations which are classified as disciplinary violations, because they do not involve broad public interests, but are actions that conflict with military interests or the interests of the military community itself [3].

The crime of desertion is lighter when compared to this crime as stated in Article 75 paragraph (1) 2nd. The comparison that stands out from these articles is seen from the perspective of circumstances/time. For example, in North Sulawesi there were clashes "in times of war", but on the island of Java, it was safe (in times of peace). If a military person based in Malang flees from the unit because he knows that the next day he will be sent to North Sulawesi to fight against rebels, then Article 87 of the Criminal Code can apply to him. However, if his departure is from a dangerous situation in combat, while he is already in the combat area, then the provisions of Article 75 of the Criminal Code are more appropriate to apply [4].

Institutionally, since April 1, 1999, the Military of the Republic of Indonesia (ABRI) and the Public Police have been isolated by MPR Declaration Number VI/MPR/2000 concerning the Detachment of the TNI and Polri and MPR Announcement Number VII/MPR/2000 concerning the Job of the TNI and the Job of the Police. Awaloedin Djamin said, that without such a spirit of change, public trust in changes to the function and role of the two institutions in question will continue to decline. So that this separation can further clarify the roles and functions of the TNI and Polri in carrying out state duties. This separation also has implications for the promulgation of Law Number 34 of 2004 concerning the TNI (hereinafter written the TNI Law) on October 16, 2004, which is confirmed in the implementation of the General Court for TNI members who commit criminal offenses listed in the Criminal Code as mandated in MPR Decree No VII/MPR/2000 concerning the role of the TNI and the role of the Police.

To determine criminal demonstrations inside the Police, guidelines are expected to accomplish a bound together approach to acting between authorities who are given the power

to determine criminal cases inside the Police. Like everyone else in society, the police are subject to violations, crimes, and other forms of criminal activity. Activities or activities under any appearance or structure completed by individuals from the Police either exclusively or in bunches that abuse legitimate arrangements, and standards that apply throughout everyday life, are in opposition to regulations, official guidelines, discipline, rules, and guidelines inside the Police on basically, a demonstration or activity harms the power, pride and great name of the Police which, assuming this activity is permitted, can cause distress in the public eye. According to the rules and procedures, the Military Police are required to conduct an investigation if a member of the Police commits a crime. [5].

Renunciation is the demonstration of the individual concerned leaving solidarity inside a base elegance time of 30 successive days or pulling out for eternity. In the mean time, in daily existence, a tactical part is expected to be ready where he should do his obligations. This activity is a demonstration that shouldn't happen in military life. The term departure is found in the KUHPM in Part III concerning "Violations Which Are a Way for a Tactical Individual to Pull out from Completing Help Commitments." The shortage of military people at a spot to finish authority still hanging out there to be a bad behavior considering the way that the energy for discipline is an incredibly critical piece of military life since discipline is the underpinning of military life. This is extraordinary corresponding to the presence of non-military affiliations, that this act isn't a bad behavior, yet rather an encroachment of various leveled discipline [5].

A prosperous, peaceful, just, and prosperous social life is certainly highly desired by the government of any country in the world, including Indonesia. This situation will not be realized without continuity between several supporting and supporting factors. The supporting factors in realizing a safe and peaceful life are very diverse, including economic, social, political, and cultural factors. Meanwhile, the most important supporting factor in creating prosperity is the security factor. The security factor is a determining factor in the success of implementing state development to realize the welfare of citizens. Broadly speaking, responsibility for a country's security is held by the Indonesian National Army (TNI). The Indonesian National Army consists of the TNI AD, TNI AL, TNI AU, and POLRI whose capacities and proportions are by their respective fields and authorities. A safe and peaceful life not only influences social harmony but also leads to national defense and security. Military life and harmony between members and military institutions greatly influence the strength of the country's resilience and defense. Each individual from the TNI is expected to be liberated from individual activities that are shameful according to the tactical individuals themselves and particularly in the public eye [1].

2 Methodology

This sort of examination is Standardizing research. The methodologies utilized are a legal methodology and a calculated methodology. The information source utilized is optional information. Information investigation was done spellbindingly and subjectively [6]. Finishing up is done utilizing a logical technique, in particular closing the general to the particular, particularly those connected with the exploration point, to be specific the Juridical Survey of Moral Observers for Police Individuals Who Have Abandoned. Abstract data assessment is finished in case the specific data got is as a combination of words. isn't a movement of numbers and can't be set up into classes. Data can be assembled in various ways (interview perceptions, original copy occurrences, and recording tapes). In qualitative research, it is typically processed

first before being used, such as the interview transcript results, data reduction, investigation, data rendition, and triangulation.[7].

3 Results and Discussion

3.1 Implications of Juridical Review of Witness Ethics for Police Members Who Commit Desertion

Military Police, in terms of resolving criminal acts, have the position of investigators in taking action on a criminal case whose task is to collect information on perpetrators, evidence, and witnesses as well as carry out arrests or confiscation of perpetrators based on warrants. Law enforcement carried out by the Military Police is a manifestation that Indonesia is a country of law where before the law everything is equal or equal (equality before the law). This is further emphasized in Article 27 section (1) of the 1945 Constitution, the fourth amendment, which expresses that residents have similar situation under regulation and government without any exemptions.

The conference on the Expert Set of rules for Individuals from the Public Police of the Republic of Indonesia will be held no later than 14 working days from the issuance of the choice to lay out the Expert Set of principles for Individuals from the Public Police of the Republic of Indonesia. The individual who decides the ideal opportunity for the preliminary is the Seat of the Expert Set of rules for Individuals from the Public Police of the Republic of Indonesia. The time and place for the hearing on the Professional Code of Ethics for Members of the National Police of the Republic of Indonesia shall be notified in writing by the Secretary to the Secretary of the Professional Code of Ethics for Members of the National Police of the Republic of Indonesia function as Wabprof no later than 3 working days before the hearing to the alleged violator, prosecutor, and companion. The prosecutor shall notify the witness in writing of the time and place of the hearing on the Professional Code of Ethics for Members of the National Police of the Republic of Indonesia to attend the hearing no later than 5 working days before the hearing. The hearing on the Professional Code of Ethics for Members of the Indonesian National Police is held at the Police Headquarters or another designated place and is open to the public unless the commission determines otherwise. The hearing for the Professional Code of Ethics for Members of the National Police of the Republic of Indonesia must be attended by the Suspected Violator, if the alleged violator does not attend after being legally summoned twice, the hearing for the Professional Code of Ethics for Members of the National Police of the Republic of Indonesia will be held without the presence of the alleged violator. The hearing on the Professional Code of Ethics for Members of the National Police of the Republic of Indonesia will take no longer than 30 working days to be held and a decision must be made [8].

Desertion violators have the right to submit an appeal against an administrative trial decision to the Official who formed the Appeals Commission through the KKEP Secretariat with the Wabprof function. The Appeal Statement is submitted in writing and signed by the Alleged Violator through the KKEP Secretariat no later than 3 (three) days after the Hearing decision is read by the KKEP. Submission of the appeal memorandum is submitted no later than 14 (fourteen) working days to the Official forming the Appeals Commission through the KKEP Secretariat with the Wabprof function starting from the

receipt of the KKEP trial decision. The KKEP Secretariat functions as Wabprof after receiving the Appeal memory from the Violator, within a maximum of 5 (five) working days to process the administration of the proposal for the formation of an Appeals Commission to the officials forming the Appeals Commission. The official forming the Appeals Commission, no later than 30 (thirty) days after receiving the request for the proposal to establish the Appeals Commission, has issued a decision on the formation of the Appeals Commission. The KKEP Secretariat, with the function of Wabprof, no later than 2 (two) working days submits the decision on the formation of the Appeals Commission to the Appellate Commission apparatus, accompanied by the Appeals file and Appeals memorandum. The trial is carried out by examining the Appeal file and Appeal memorandum without examining the Witnesses and Alleged Violators (judex juris). The Appeals Commission makes a decision no later than 21 (twenty-one) working days from the start of the trial[9].

Rules as for encroachment as criminal shows of deserting executed by people from the Public Police of the Republic of Indonesia are reliant upon the Disciplinary Rules and Master Set of rules oversaw in Informal regulation Number 2 of 2003 concerning Disciplinary Rules for People from the Public Police of the Republic of Indonesia. Meanwhile, the police general arrangement of rules is coordinated in the Perkap on people from the State Police of the Republic of Indonesia Number 14 of 2011 concerning the Master Set of standards for the State Police of the Republic of Indonesia. The solicitation for the Understood arrangement of standards hearing implies the Rule of the Highest point of the State Police of the Republic of Indonesia Number 19 of 2012 concerning the Various leveled Development and Working Strategies of the Commission the Public Police General arrangement of rules in Article 30 is the Starter Evaluation, execution of the Master Set of standards hearing for People from the Indonesian Public Police, Legitimate Affirmation, Solicitations Commission Hearing finally personnel reclamation.[5].

3.2 The Urgency of Juridical Review of Ethical Witnesses for Police Members Who Have Deserted

The Public Police of the Republic of Indonesia is a government agency tasked with leading Indonesia's law enforcement efforts. The police foundation has a crucial impact, all the more determinedly the help of the police can't be ignored in tries to keep up with public discipline. The Public Police of the Republic of Indonesia as an establishment doing its commitments and capacities ought to moreover be established on the genuineness of significant guideline. The primary capability of the police is to implement the law and serve the interests of the overall population. So one might say that the undertaking of the police is to forestall wrongdoing and give assurance to the local area. In completing their obligations, each individual from the police is obliged to follow legal guidelines, including disciplinary issues at work. The introduction of Regulation Number 2 of 2002 concerning the Public Police of the Republic of Indonesia (Police Regulation) turned into the lawful umbrella for the police in their work notwithstanding different guidelines connecting with the police.

To uphold the law and give insurance to the local area, a policing is required, one of which is the police organization. Law enforcement officers who are always at the forefront of serving, protecting, and protecting the community are members of Polri. In doing their capabilities and obligations as regulation authorities, it isn't not difficult to

manage every one of the issues in the public eye, Polri individuals now and again get threatening reactions from the public while completing their obligations [4]. In this current era of reform, several improvements have been made to the constitutional system in Indonesia. With the issuance of MPR Decree Number: VI/MPR/2000 and MPR Decree Number: VII/MPR/2000 which separated the Police from the TNI and placed the functions of the Police separately from the TNI. The function of state legislation has also been to promulgate Law Number 2 of 2002 concerning the National Police, the core of which regulates the independence of the National Police in Indonesia.

However, improvements to the National Police institution have not fully met community expectations. In the constitutional context, the police as part of the government apparatus must comply with the mandate given by the people, to be specific keeping up with security and public request, implementing the law, and giving assurance, insurance, and administration to the local area to keep up with interior security. Apart from being required to provide optimal service, the National Police is also required to increase the accountability of its performance so that it becomes an effective, efficient, and accountable institution. Police officers who are supposed to protect and protect the public sometimes become a visible contrast. With the many cases of violence against civilians simply because of mental emotions, not to mention the backing of drug dealers or gambling bookies, it is no less surprising that members of the National Police are often invited or even offered "peace" by traffic violators [3].

Infringement of the way of behaving of individuals from the Public Police comprise infringement of Police disciplinary guidelines, in this way endeavors are expected to uphold the Police Proficient Set of principles (KEPP) which is exceptionally important to understand the execution of the obligations forced on Police amazing skill. Unprofessionalism will immensely affect policing uncovering violations that happen in the public arena. Habitually revealed in different broad communications in regards to infringement committed by individuals from the Public Police. To complete implementation of the Police Proficient Set of principles, it is managed normatively in Regulation Number 2 of 2002 concerning the Police of the Republic of Indonesia which was followed up by the Public Police Boss Guideline (Perkap) Number 14 of 2011 concerning the Police Proficient Set of rules. So the Public Police Proficient Set of principles applies bindingly to each individual from the Indonesian Public Police.

Similar to organizations in general, the police have "Ethics" that demonstrate the need to act in accordance with rules and expectations. These "Ethics" also require "discipline" in carrying out their responsibilities in accordance with the mission they are entrusted with. They also ensure that order and the execution of responsibilities are maintained in accordance with the objectives, roles, functions, authority, and responsibilities to which they are assigned, all for the benefit of the community. Moral issues will be issues of human existence [2]. Do not act solely according to instinct or impulse, but aim and aspire to be in one community. The Tactical Police are obliged to do analytical activities by the standards and strategies. Departure is the demonstration of leaving the unit inside a base time of 30 successive days or a demonstration of pulling out for eternity. In the mean time, in daily existence, a tactical part is expected to be ready where he should do his obligations. This activity is a demonstration that shouldn't happen in military life. The term departure is found in the KUHPM in Part III concerning "Violations Which Are a Way for a Tactical Individual to Pull out from Completing Help Commitments." The shortage of military people at a spot to finish authority still hanging out there to be a bad behavior considering the way that the energy for discipline is an

incredibly critical piece of military life since discipline is the underpinning of military life. This is one of a kind corresponding to the presence of non-military relationship, in that this act isn't a bad behavior, yet rather an encroachment of various leveled discipline[10].

4 Conclusion

1. Renunciation is the demonstration of leaving the unit inside a base time of 30 successive days or the demonstration of pulling out for eternity. In the mean time, in day to day existence, a tactical part is expected to be ready where he should do his obligations.
2. To resolve criminal acts within the Police, it is necessary to have regulations to achieve a unified way of acting between officials who are given the authority to resolve criminal cases within the Police. The police, as ordinary people, are the same as society publically and are not immune from violations and crimes or criminal acts.
3. Desertion violators have the right to file an appeal against an administrative trial decision to the official who formed the Appeals Commission through the KKEP Secretariat, the Wabprof function. The Appeal Statement is submitted in writing and signed by the Alleged Violator through the KKEP Secretariat no later than 3 (three) days after the Hearing decision is read by the KKEP.

5 Suggestion

1. It is entrusted that rules regarding encroachment as criminal exhibits of renunciation did by people from the Indonesian Public Police will be subject to the Disciplinary Rules and Master Set of rules oversight in Informal regulation Number 2 of 2003 concerning Disciplinary Rules for People from the Indonesian Public Police. In the interim, the police governing set of rules is controlled by Perkap on individuals from the Public Police of the Republic of Indonesia Number 14 of 2011 regarding the Expert Set of principles for the Public Police of the Republic of Indonesia. The solicitation for the all-encompassing arrangement of rules hearing implies the Rule of the Top of the Public Police of the Republic of Indonesia Number 19 of 2012
2. It is trusted that the Tactical Police are obliged to do analytical activities by the guidelines and methods. Renunciation is the demonstration of the individual concerned leaving the unit inside a base time of 30 continuous days or the demonstration of pulling out forever. In the mean time, in day to day existence, a tactical part is expected to be ready where he should do his obligations.
3. Due to its unique function and position within the state structure, it is hoped that the military institution is unique. Military institutions are required to be able to guarantee the discipline and readiness of their soldiers to face any kind of threat to the nation's security and safety because they are the foundation of national defense. Thus, practically all tactical organizations all through the nation have an exceptional legal system known as military equity directed in Regulation No. 31 of 1997.

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