

Law Enforcement Process Analysis By Agencies Of Provos Indonesian National Police (INP) On Discipline Violation In The Form Of Crime By Police Members (Case Study In National Police Headquarter)

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Abstract. Law enforcement is one attempt to create order, security and peace in the community, whether it is a preventive and repressive effort. Order and security in society will be realized and maintained properly if all the components of society in a country can understand and comply with all the norms contained in the social life. Police as one of the law enforcement agencies in Indonesia is the spearhead for the achievement of the rule of law in Indonesia. With separated INP from the Indonesian Army (TNI) then sued professionalism of members of the police in the execution of their duties. The aims of this research are, to know Provos INP in the law enforcement of discipline to member of Indonesian National Police (INP) who did violation on Disciplinary Code in Government Regulation No. 2 of 2003 on Disciplinary Code to all member of police as the explanation from Article 27 paragraph (2) Act No. 2 of 2002 on Indonesian National Police. After declared PP No. 2 of 2003, Provos INP has given authority as auditor to all members of Indonesian National Police who did violation even though the violation is not criminal sanction and give the document to Authorities Agency (*Ankum*). And to know the factors which impacted the law violation by Indonesian National Police in disciplinary code which not be burden by Provos INP to do Disciplinary Law Enforcement.

Keywords: Discipline Violation; Provost INP; Crime.

1. Introduction

Law enforcement efforts undertaken by the government, can not be released from the police. Main Tasks Police itself alone according to Act No. 2 2002 On Police is security and maintain public order, enforcing the law, and provide protection, shelter, and service to the community.³ After the end of the New Order authoritarian regime on 21 May 1998, hereinafter Indonesian National Police (INP) entered the era of such democracy. Police had to change the institution as well as a duty. Police today are culturally and instrumental in the future be able to transform themselves to follow the dynamics of society in the future.

Police must be returned to the main task as an apparatus that maintains social order (security, public order), law enforcement agencies, as law enforcement officials, the Police as an organization very appropriate if the Police stand alone and not be part of the national defense apparatus with TNI. Police official institutionally integral with the Indonesian Armed Forces (ABRI) and organizationally independent as police organizations in other democratic countries. With the set of Act No. 2 No. 2 of 2002 on Indonesian National Police, it is increasingly apparent function and position

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³ Article 13 of Act No. 2 of 2002 on the Indonesian National Police.

organizationally. This law is expected to provide affirmative duties and functions as well as the Police as an independent institution.

Law enforcement morality issue from time to time still a relevant issue to talk about, because what is presented by the mass media is often paradoxical.⁴ On the one hand, law enforcement in demand to perform tasks in accordance with the mandate of the legislation that led to the award decision to the substance in the form of justice for the parties, but on the other hand found law enforcement does commit a crime and this led to the image of law enforcement agencies and Indonesian law enforcement collapsed in the middle of the flow of changing times.⁵

One law enforcement under the spotlight is the Police, because the Police is the frontline in the enforcement of criminal law, so that it is no exaggeration if Police said as the criminal law of life⁶, Which translate and interpret the law in the book became law in action. Although the Police said to be the front line, but can occur at an early stage of completion of a criminal case can be ended, because the police have the authority called discretion.⁷

Breaches of discipline and enforcement of the Code of Police is needed in order to realize the implementation of the tasks assigned and the achievement of the professionalism of the Police. Very unlikely law enforcement can work well, if its own law enforcement agencies (Police) are undisciplined and unprofessional. Indiscipline and lack professional police will greatly impact in terms of law enforcement or disclosure of crimes that occur in the community. Weakening conditions discipline and professionalism of the Police that occurred at this time began to frequent the talk of the community at large. With the often proclaimed in various media about disciplinary action carried out by members of the police, for example, the number of cases of misuse of firearms by members of the police, their INP member involved in a criminal act,

The police in carrying out their duties as law enforcement, not only must comply with the applicable law as the outer aspect, they are also equipped with the Police Ethics. Police ethics is the norm of the behavior of members of the Police to be used as guidance in achieving a good task for the conduct of law enforcement, public order and public security.⁸ Police unethical and integrity in the task become an obstacle in building public confidence.

Settlement of the case against members of the police are currently implemented by the Police Internal Affairs Bureau of the discipline of law enforcement members of the police, processed through the legal discipline of the Police and Criminal Code relating to criminal cases. It is based on Act 2 of 2002 on the Indonesian National Police in Article 29 which states that the police are subject to the general courts where the sound of that article confirms that members of the police are subject to the Code of

⁴Thomas Barker dan David L.Carter, 1999, *Police Deviance*, Anderson Publishing CO, Cincinnati OH, p 3.

⁵ Agus Rahardjo, *Hukum dan Dilema Pencitraannya (Transisi Paradigmatik Ilmu Hukum dalam Teori dan Praktek)*, Jurnal Hukum Pro Justitia Vol 24 No.1, 2006.

⁶ Satjipto Rahardjo, 2002, *Polisi Sipil dalam perubahan Sosial di Indonesia*, Penerbit Buku Kompas, Jakarta, p 25

⁷ Agus Rahardjo, 2007, *Sistem Peradilan Pidana (Study on Criminal Case Settlement Model Development Paths Through Non Litigation in Central Java)*, p. 43

⁸ Kunarto, 1997, *Etika Kepolisian*, Cipta Manuggal, Jakarta, p 97

Penal (Penal Code), and the Book Act Criminal Code (Criminal Procedure Code), as members of the police are servants in charge of the Indonesian National Police, in addition to the ASN (State Civil Apparatus) police.

Completion of the internal legal violations at the Police needed coaching role and internal law enforcement police in this case the Police Internal Affairs Bureau. As the hand of law, the Police Internal Affairs in charge of developing and enforcing discipline and maintain order life member of the Police. In terms of law enforcement in a common judicial system in order to be improved, so that the internal law enforcement can be carried out. Implementation of the law is not only to society at large but also in organizing the law, particularly members of the police, so that in case of violations committed by law enforcement officers, then the offenders should be subject to more severe penalties because as the apparatus is supposed to understand the law but perform acts that violate law.

Based on the background described above can be formulated problems in this study are: How is the role of the Police Internal Affairs Bureau in the enforcement against members of the police?

Research methods

To conduct the assessment in this study the authors used socio-juridical methods. Juridical is an approach that uses the principles and legal principles derived from the written rules, sociological is an approach that aims to clarify the real situation in society to the issues examined in other words giving importance to the steps of observation. This method means that in addition to the research in terms of judicial notice by looking at the legislation and regulations, also examines the reality in practice in the community relating to the enforcement by the Police Internal Affairs Bureau of the breach of discipline in the form of criminal acts by members of the police.

2. Results and Discussion

Police organizational structure contained within a unit of work that is Propam. Propam is one organization shaped Police Division, in charge of security issues and the professionalism of the national police organization's internal environment. Propam general task is to build and perform the functions of professional accountability and internal security, including the enforcement of discipline and order in the INP and service of public complaints about irregularities actions of members of the Police. The organizational structure and procedures for Propam works consist of 3 (three) as build of function in the form of sub-organizations, namely; (Biropaminal, wabprof bureau, bureau provost). Internal security functions in the environment of the national police organizations accountable to the bureau paminal. Accountability function profession accountable to the bureau wabprof. provost function in enforcing discipline and order in the environment of the national police agency accountable to the provost.

Disciplinary Regulations INP is a set of norms to establish, enforce discipline and maintain the order of life of members of the police, in enforcing disciplinary rules contained units Provos that which is a function of the Indonesian National Police in

charge of helping the leadership to establish and enforce discipline and maintain order life INP member the Republic of Indonesia.

Police Internal Affairs Bureau's own role in the implementation of law enforcement against members of the police is very important where as a frontline guard Police image and the last bastion of justice seekers. Intended to be able to guarantee the behavior of members of the police to obey the vows that have been spoken in implementing the functions, roles and the main tasks and responsibilities as a member of the Police, as that has been mandated by Act No. 2 in 2002.

Role of the Police Internal Affairs Bureau in terms of disciplining them are doing investigation, filing and create suspicion and prosecution. As the provisions contained in the Notice of Inspection and in List of Preliminary Examination Discipline Violations must be specified chapter violated by the alleged infringer, but that does not mean the alleged infringer is already violated Article predefined inspection. For a sense of justice for every member of the Police has been done filing then conducted a disciplinary hearing, the disciplinary hearings will be held clearly "who does what", thus avoiding the sentence is wrong in the sense that members do not do anything that is presupposed but got a guilty sentence.

To avoid this, it is stipulated in the Indonesian National Police Chief No. 2 of 2016 on the Settlement of Disciplinary Violations Members of Indonesian Police are arranged Procedure started Preparatory Assembly session until the decision of the trial, the trial and the hearing device. In the Implementation stage Disciplinary Hearing no events conjecture and prosecution read out by the prosecutor as the IAB Members.

On Police Chief Regulation No. 2 of the Republic of Indonesia in 2016 on the Settlement of disciplinary violations Members of Indonesian Police Internal Affairs has the authority of Article 21:

- Summoning and examination;
- Help leaders organize coaching and discipline, as well as maintaining order life member of the Police;
- Held a disciplinary hearing at the behest *Ankum*; and
- Implement the decision of *Ankum*.

Dialing and inspection as referred to in Article 21 letter a to the Witness, Expert, Reporting, and members of the police who Probable status offenders. Coaching and discipline as well as the maintenance of order referred to in Article 21 letter b conducted by the Police Internal Affairs as measures to prevent violations of discipline. *Ankum* implement the decision referred to in Article 21 letter d, includes:

- Assessing the status of the members of the police who have to undergo disciplinary punishment;
- Issuing a letter to members of the police who have finished running a disciplinary punishment and a control and was considered worthy to be reimbursed for their rights;
- Provide data process, the completion status to Paminal cases handled and provide recommendation to the Rehabilitation Unit.

In this case the Internal Affairs Bureau also play a role in the settlement where appropriate disciplinary offenses in Article 33 Police Chief Regulation No. 2 of the

Republic of Indonesia in 2016 on the Settlement Members disciplinary violations Police of the Republic of Indonesia through the following phases:

- Report or complaint;
- Preliminary examination;
- A hearing before a disciplinary hearing;
- The imposition of disciplinary sanctions;
- Execution; and
- Recording in the personnel data.

The legal processes for police officers who commit disciplinary offenses do the level of Police respectively, offenses committed at the police station then resolved at the police station where police members are running errands, and if the Police member conduct violations in the police then the process of disciplinary hearings conducted at the Police which she is employed. That did settlement process discipline violations by members of the police is essentially aimed at the realization of the rule of law in the context of the maintenance and enforcement of discipline within the Police.⁹

3. Closing

3.1. Conclusion

Role Provos in authority at the completion of disciplinary violations, namely:

- a. Summoning and examination;
- b. Help leaders organize coaching and discipline, as well as maintaining order life member of the Police;
- c. Held a disciplinary hearing at the behest *Ankum*; and
- d. Implement the decision of *Ankum*.

In this case the Internal Affairs Bureau also play a role in the settlement where appropriate disciplinary offenses in Article 33 Police Chief Regulation No. 2 of the Republic of Indonesia in 2016 on the Settlement Members disciplinary violations Police of the Republic of Indonesia through the following phases:

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- The imposition of disciplinary sanctions;
- Execution; and
- Recording in the personnel data.

3.2 Suggestion

Law enforcement function is very important for police agencies, therefore, for the forming of legislation, future expected, formulate a special provision on the prohibition of which should not be violated by members of the police in the execution of tasks in the field of law enforcement, not made overlap overlap between the prohibition on

⁹ Nenny Probawati, *Penerapan Penegakan Hukum Disiplin Polri Demi Terwujudnya Good Governance and Clean Government Dalam Ruang Lingkup Polda Jawa Tengah*, Jurnal Hukum Unissula, Vol.12 No.3, 2017, p 6.

the implementation of the tasks of the police in general, then formulate clearly, the severity of the disciplinary punishment in the disciplinary regulations INP according to its competence violations committed by members of the police, so that *Ankum* in imposing disciplinary punishment based on authority, but in imposing disciplinary sanctions by the set out in the regulations.

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