

Implementation of Dishonorable Dismissal of Police Members Who Commit Criminal Acts to Realize Legal Protection and Certainty in the Riau Islands Regional Police

Eko Aprianto & Sugiharto

¹⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: eko_aprianto44@yahoo.com

²⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: sugiharto@unissula.ac.id

Abstract. *The enforcement of police discipline and code of ethics is very much needed in order to realize the implementation of the tasks assigned and achieve the professionalism of the Police. It is very unlikely that law enforcement can run well, if the law enforcers themselves are undisciplined and unprofessional. The problems in this research are; What is the Legal Arrangement for Disrespectful Dismissal of Police Members Who Commit Crimes in Indonesia?; What are the legal arrangements regarding the disrespectful dismissal of members of the police who commit criminal acts to realize legal protection and certainty?; How is the implementation and the factors that become obstacles as well as solutions to the disrespectful dismissal of police officers who commit criminal acts to realize legal protection and certainty (Research Study at the Bareleng Resort Police). The conclusion in this study is the application of dishonorable discharge of police officers who commit criminal acts or violations of the POLRI's professional code of ethics against which they are subject to internal sanctions in the form of disciplinary sanctions consisting of dishonorable discharge.. Based on the data analysis carried out, it was concluded that guaranteeing the educational rights of children who are serving a sentence at the Special Guidance Institution (LPKA), the solution taken by the government is to increase the budget for education organized by the Child Special Guidance Institution (LPKA), increase human resources Humans (HR) who organize education at LPKA are teachers who are competent in their fields and provide space for children who are undergoing punishment to be creative in education according to their talents.*

Keywords: *Discipline; Police; Sanction.*

1. Introduction

The weakening of discipline and professionalism of Polri members that sometimes still occurs can cause polemics in the community. Improvements including the quality of Human Resources, adjustments to legal instruments, and global culture continue to be carried out, so that this institution that protects the community is increasingly loved by the community. Polri member disciplinary regulations are interpreted as rules or norms that regulate and become guidelines for every Polri member in carrying out their duties and authorities as the National Police. Law enforcement efforts carried out by the government cannot be separated from the police. The main task of the Police itself according to Law No. 2 of 2002 concerning the Police is to maintain public security and order, enforce the law, and provide protection, shelter, and service to the community. The above objectives will certainly not be realized if they are not carried out with high dedication, discipline and professionalism from the members of the Police themselves to try to carry out the tasks assigned to them properly and responsibly. The concept of a state of law, the State stands above the law and guarantees a sense of justice to its citizens.¹To realize a state of law, according to Soerjono Soekanto as quoted by Eddy OS Hiariej, there are at least five influencing factors, first, the law itself, both in the substantial sense of a statutory regulation and formal law to enforce material law, second is the professionalism of law enforcement officers, third is adequate facilities and infrastructure, fourth is the public's perception of the law, and fifth is the legal culture itself.²

Law enforcement activities are actions to apply the law to anyone whose actions deviate and conflict with legal norms. This means that the law is applied to anyone and its implementation is in accordance with the mechanisms and methods in the existing law enforcement system. Law enforcement as an activity to maintain and oversee the law so that it remains upheld as a norm that regulates human life in order to realize order, security and peace in society in carrying out its life.³

In a democratic country, as stated by Jermon H. Skolnick, in *Justice Without Trial, Law Enforcement in a Democratic Society*, the police, in addition to their function of enforcing the law and providing public service, also function as a father figure, friend, morality and even as a protector of society.⁴In *The Limits of The Criminal Sanction*, Harbert L. Packer, argues that the police are the gatekeepers of the criminal justice system.⁵

Implicitly, the Indonesian National Police is one of the law enforcement institutions and is the hope and role model of the nation, because it carries out the duties to maintain public order and security. The ideals and image as the hope

¹Jimly Asshiddiqie, 2018, *Towards a Democratic Legal State*, Secretariat General and Registrar of the Constitutional Court, Jakarta, p. 33.

²Eddy OS Hiariej, 2019, "Quo Vadis Indonesian Police? Critical Review of the Draft Law on the Indonesian Police", *Jurnal Mimbar Hukum*, Faculty of Law UGM Vol X, p.1.

³Dellyana, Shant. *The Concept of Law Enforcement*. Liberty, Yogyakarta, 2018, page 32.

⁴*Ibid.* p. 36.

⁵*Ibid.*, p. 38.

and role model of the nation are not a predicate that is freely given to every member of the Indonesian National Police, but its existence requires a long process, activity and struggle and requires many sacrifices. The hopes and role models given to members of the Indonesian National Police need to be realized in carrying out their duties so that they are not merely symbolic. Regarding the duties of the police as law enforcement officers, their duties and authorities have been regulated in detail in statutory provisions. Based on Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, its main duties are to maintain public order and security, enforce the law and provide protection, shelter and service to the community.

Such is the noble task entrusted to members of the Indonesian National Police as law enforcers, members of the Indonesian National Police are required to be firm, consistent in their actions, and ethical in their attitudes, if these three things are not carried out properly then members of the Indonesian National Police will easily get caught up in things that are less sympathetic and not in accordance with their functions and duties.⁶The duties and authorities given to members of the Indonesian National Police in carrying out their duties in the field of law enforcement are essentially obtained attributively, namely regulated in laws and regulations, namely that members of the Indonesian National Police in carrying out their duties and authorities as law enforcers must be oriented towards the objectives for which they are given authority, namely to create and/or realize a safe, orderly, prosperous, just and prosperous country.⁷If the duties and authorities given by the law are not carried out properly, it will have legal consequences. This means that every violation or deviation committed by members of the Indonesian National Police can be legally accounted for. As part of the process of organizing the state, the police institution is bound by certain legal rules and procedures, and is controlled and responsible to the law.

Creating Polri members who are free from reprehensible acts, Polri members have binding guidelines that must be obeyed, known as Law Number 2 of 2002 concerning the Republic of Indonesia Police and Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Polri Members. The disciplinary regulations for Polri members are supplemented by the Decree of the Chief of Police Number. Pol: Kep/43/IX/2004 dated September 30, 2004 concerning Procedures for Resolving Disciplinary Violations of Members of the Republic of Indonesia Police, and the Decree of the Chief of Police Number. Pol: Kep/97/XII/2003 dated December 31, 2003 concerning the Organization and Work Procedures of the Propam Polri Division.⁸

The disciplinary regulations of Polri members have been enforced, currently there

⁶Marjono Reksodiprojo, 2015, Progress in Economic Development and Crime Center for Legal Services and Justice, Jakarta, p. 26.

⁷<https://www.ayobandung.com/read/2018/11/12/40431/realita-penegakan-Hukum-di-indonesia>. Accessed on June 15, 2024, at 20.00 WIB.

⁸Adrianus Meliala, 2015, Revealing White Collar Crime, Sinar Harapan Library, Jakarta, p. 57.

are increasingly rampant cases of violations committed by Polri members, who are actually protectors of the community. In carrying out their duties or outside of duty, it is not uncommon to find Polri members who abuse their power or authority, and many are even perpetrators of criminal acts. As ordinary human beings, Polri members have a level of strength of faith and obedience to regulations, both concerning discipline and code of ethics. The many temptations, especially those in the form of material, cause certain Polri members to be tempted to commit violations or criminal acts, both minor and serious, with sanctions ranging from warnings to dismissal.

Table 1.1

Types of Police Violations

No	Case Types	Year			Amount
		2021	2022	2023	
1	Discipline	10	11	5	26
2	Code of Ethics	10	11	5	26
3	Criminal act	4	0	0	4
	Total	24	22	10	56

Source: Riau Islands Police 2024

Based on the table⁹above it can be seen that in 2021 the type of Disciplinary cases was 10 (ten) cases, in 2022 there were 11 (eleven) cases, while in 2023 there were 5 (five) cases, and it can be seen that there was a decrease in cases of disciplinary violations of 50% in 2024. Violations of the Code of Ethics in 2021 were 10 (ten) cases, in 2022 there were 11 (eleven) cases, while in 2022 there were 5 (five) cases, and it can be seen that there was a decrease in cases of violations of the code of ethics of 50% in 2021. Violations of criminal cases in 2021 were 4 (four) cases, in 2022 there were 0 (zero) cases, while in 2023 there were 0 (zero) cases, and it can be seen that there was a decrease in cases of violations of the code of ethics of 100% in 2022 and 2023.

The deviation of the behavior of the Polri members is a violation of the Polri member disciplinary regulations such as: Desertion; Positive urine test (drug consumption); Committing assault on the community; Being convicted of committing domestic violence (KDRT); Conducting investigations not in accordance with procedures; Possessing, storing, controlling, providing, buying and selling narcotic powder.¹⁰This is as regulated in the Government Regulation of the Republic of Indonesia Number 2 of 2003 concerning the Disciplinary Regulations of Polri Members. However, law enforcement against the disciplinary

⁹Based on the Author's verification at the Riau Islands Police, on June 17, 2024

¹⁰. *Ibid*,p. 60.

regulations of Polri members is currently still far from expectations and has not been able to provide a maximum positive impact on the behavior of Polri members, both due to the process of law enforcement and the results of law enforcement of disciplinary regulations. Efforts to enforce discipline and the Polri code of ethics are greatly needed in order to realize the implementation of the assigned tasks and achieve Polri professionalism. It is very unlikely that law enforcement can run well if the law enforcers themselves are not disciplined and not professional.¹¹that the author saw many ethical violations committed by members of the Indonesian National Police.

So the aim of this article is to find out the implementation of dishonorable discharge of police members who commit crimes in order to realize legal protection and certainty.

2. Research Methods

This study uses a sociological legal approach method, namely an approach that is not only legal but also uses social sciences. To find the problems in this study, the author uses descriptive analysis research specifications, namely describing the dishonorable dismissal of police officers who commit crimes to realize legal protection and certainty.

3. Results and Discussion

3.1. Implementation of Dishonorable Dismissal of Police Members Who Commit Criminal Acts to Achieve Legal Protection and Certainty

1. Regulations for Dismissal of Police Members According to Law Number 2 of 2002 Concerning the Republic of Indonesia National Police

Members of the Republic of Indonesia National Police are civil servants of the Republic of Indonesia National Police. Civil servants based on the provisions of Article 1 number (1) of Law Number 8 of 1974 concerning the Principles of Civil Service which was later amended by Law Number 43 of 1999 concerning Amendments to Law Number 8 of 1974 concerning the Principles of Civil Service, it is determined that what is meant by Civil Servants is every citizen of the Republic of Indonesia who has fulfilled the specified requirements, appointed by an authorized official and assigned duties in a civil service or assigned other state duties and paid according to statutory regulations.¹² applicable. Article 2 paragraph (1) in conjunction with paragraph (2) of Law Number 8 of 1974 concerning the Principles of Civil Service in conjunction with Law Number 43 of 1999 stipulates that Civil Servants consist of: (1). Central Civil Servants and Regional Civil Servants; (2). Members of the Indonesian National Army, and (3). Members of the Indonesian National Police. Civil servants are a status that cannot be attached to a person for their entire life but are only temporary in the sense that they are limited until a certain time is reached. This time limit is what is then

¹¹*ibid*, p. 66.

¹²Article 1 number (2) of Law Number 12 of 2011 concerning the Formation of Legislation.

known as retirement. Retirement can be interpreted as no longer working because one's term of office has ended. Civil Servant status can also be revoked before reaching retirement age, namely through a dismissal mechanism. As stipulated in Law Number 8 of 1974 concerning the Principles of Civil Service in conjunction with Law Number 43 of 1999 that Members of the Indonesian National Police are Civil Servants, this status cannot be attached to a person for an unlimited time but is still limited by time, namely until they reach retirement age and can also be revoked by a dismissal mechanism. The Indonesian National Police is an official state institution that is separate from other state institutions both in terms of main duties and functions. As a state institution that has its own main duties and functions, the existence and matters concerning the police must be regulated in a special law for that. The law in question is Law Number 2 of 2002 concerning the Indonesian National Police. The termination of a person's status as a Member of the Indonesian National Police is included in matters relating to the police, so the most basic legal reference is Law Number 2 of 2002 concerning the Indonesian National Police. The dismissal of members of the Indonesian National Police is explicitly regulated in Article 30 of Law Number 2 of 2002 concerning the Indonesian National Police.

2. Regulations for Dismissal of Police Members According to Government Regulation Number 1 of 2003 Concerning Dismissal of Police Members

The Government Regulation as mandated by Article 30 paragraph 3 of Law Number 2 of 2002 concerning the Indonesian National Police which regulates in general matters regarding the dismissal of Members of the Indonesian National Police is Government Regulation Number 1 of 2003 concerning the Dismissal of Members of the Indonesian National Police which was stipulated and promulgated in Jakarta on January 1, 2003 in the State Gazette of the Republic of Indonesia Number 1 of 2003. The dismissal of members of the Indonesian National Police according to Government Regulation Number 1 of 2003 concerning the Dismissal of Members of the Indonesian National Police (hereinafter in this research will be abbreviated as Government Regulation Number 1 of 2003) only recognizes two methods, namely first, honorable dismissal and second, dishonorable dismissal, which provisions are the same as the provisions in Article 30 paragraph 1 of Law Number 2 of 2002 concerning the Indonesian National Police. Honorable discharge (PDH) according to Government Regulation Number 1 of 2003 is expressly regulated in Chapter II concerning Honorable Dismissal in Articles 2 to 10. Article 2 regulates in general the types of Honorable Dismissal (PDH) while Articles 3 to 10 are articles that outline the provisions regulated in Article 2.

3. Dishonorable Dismissal (PTDH)

Dishonorable Dismissal (PTDH); (a) Committing a crime; (b) Committing a violation; (c) Leaving duty or other matters. a) Committing a crime against the law, and with a mistake made by a person (who is capable of being responsible).

Dishonorable dismissal due to reasons of committing a crime is regulated in Part One Concerning Committing a Crime in Article 12 of Government Regulation Number 1 of 2003 which reads as follows: The meaning of a court decision that has permanent legal force is that against the decision in question, ordinary legal remedies have been closed. According to criminal procedure law, it is emphasized that legal remedies are the right of the defendant or Public Prosecutor not to accept the Court's decision in the form of resistance or appeal or cassation or the convict to file a request for a judicial review in the case and according to the method regulated in this law.¹³

3.2. Authority to Dismiss Members of the Indonesian National Police

Chief of the Indonesian National Police (Kapolri). The distinction between the President's and the Kapolri's authority in terms of dismissing Polri members is based on the rank of the Polri member who is dismissed. The rules on this authority are regulated in Article 15 of Government Regulation Number 1 of 2003 which reads as follows: Dismissing members of the Indonesian National Police is carried out by: Based on the Decree of the Kapolri Number Pol: Kep/74/XI/2003 dated 10 November 2003 Concerning the Main Points of the Preparation of Layers of Polri Human Resources Development in the Technical Guide section number 5 letter b points (1) and (2) among other things, it is determined that the authority to honorably dismiss the rank of AKBP and below is issued and signed by the Kapolda.

The author concludes that every member of the Indonesian National Police who is dismissed either honorably (PDH) or dishonorably (PTDH) from the Indonesian National Police service is obliged to hold all official secrets that by their nature must be kept confidential and not to misuse personal equipment and official facilities. Specifically for members of the Indonesian National Police who are honorably dismissed (PDH), on certain occasions are permitted to wear the official uniform with the last rank. Explanation of Article 17 states that not to "misuse personal equipment" in the form of official uniforms and their attributes, and must return official facilities/goods in the form of official housing, official vehicles and official firearms and other facilities/goods upon dismissal. The meaning of "giving opportunities at certain times" for example on the anniversary of the Republic of Indonesia National Police. Dismissal of members of the Republic of Indonesia National Police shall be carried out as of the end of the month, except for those who have fallen, been killed or passed away, which shall be carried out as of the date of the person's death.

The process begins with a report to the imposition of sanctions by ANKUM or legal superiors, disciplinary hearings or imposition of sanctions by KKEP. All of the sanctions imposed are sanctions for violations of the Indonesian National Police code of ethics handled by the Profession and Security Division (BIDPROPAM) of

¹³Article 13 of Government Regulation Number 1 of 2003 concerning Dismissal of Members of the Indonesian National Police.

the Riau Islands Police. Referring to Article 34 of the Indonesian National Police Law and its relation to Perkap Polri Number 14 of 2011, there have been no significant obstacles. The most frequent obstacle experienced by the Riau Islands Police in enforcing Article 34 of the Indonesian National Police Law is time constraints. The time constraint in question is the process of resolving cases that takes more time than what is ordered by Perkap Polri and the Police Discipline Government Regulation.

Based on an interview with AIPDA Zulkifli Walin as Head of Provos Unit of Barelang City Resort Police, Batam City, he said that: The provisions in Article 23 of Government Regulation Number 2 of 2003 state that Ankum or legal superiors hold a Disciplinary Hearing no later than 30 (thirty) days after receiving the Preliminary Examination List of Disciplinary Violations from the Provos functional unit. These provisions are based on the rules in the law, but their implementation can exceed 30 days because there are many rights that can be considered by Ankum or the relevant legal superior. Consideration of the time for completing the disciplinary hearing outside of this time at Barelang City Resort Police, Batam City, has received separate instructions from the Chief of Police.

The instruction is related to the obstacles in the administrative field related to communication and the report submission program. This obstacle is in the process of submitting reports from the division and the continuation of the report to the Ankum or legal superior. The Ankum or legal superior who has received the Preliminary Inspection List of Disciplinary Violations from the Provos functional unit, there are several Ankum or legal superiors who do not pay enough attention to the violations committed by their members. The lack of attention is caused by the fact that when the Preliminary Inspection List of Violations has arrived, the Ankum or legal superior is on duty and is outside the Barelang Police Department, Batam City. AIPDA Zulkifli Walin informed the author, in relation to the enforcement of Article 34 of the Indonesian Police Law, we (all members of the Barelang Police Department, Batam City) will prioritize the tasks given by the Chief of Police and the Head of each Division. Specifically for the process carried out at BIDPROPAM, there have never been any obstacles, because our task is indeed in the field of enforcing the police professional code of ethics.

He also added that another obstacle that had occurred was that one of the Ankum or legal superiors of the Barelang Police, Batam City, had informed him that there were dualistic laws and regulations. As a result, there had been differences of opinion with the Ankum or other legal superiors.

Then still according to AIPDA Zulkifli Walin Other obstacles such as the lack of BIDPROPAM members in enforcing the law of Article 34 of the Indonesian Police Law have never been experienced before. He only informed that a very significant obstacle in enforcing the law of Article 34 of the Indonesian Police Law and its relation to Perkap Polri Number 14 of 2011 is that it can still be said that many members of the Barelang City Police of Batam do not pay attention to the

regulation, so that the number of violations in 2016-2017 from the total number of Barelang Police personnel was 952 people while those who violated were 30 people.

Based on data provided by the Riau Islands Police, the number of police code of ethics violations committed by members of the Riau Islands Police is 40. The details of the total violations include: Violations by police members who were given disciplinary sanctions from police disciplinary hearings totaled 22 members. Violations by police members who were given disciplinary action from ANKUM or legal superiors totaled 16 members. Violations by police members who were given punishment by KKEP totaled 19 members. The implementation of law enforcement of Article 34 of the Republic of Indonesia Police Law is based on the KKEP hearing process which is based on Articles 13, 14, 54, 55 and 56 of Perkap Polri No. 19 of 2012 concerning the Organizational Structure and Work Procedures of the Indonesian National Police Code of Ethics Commission.¹⁴

Enforcement of Article 34 of the Indonesian National Police Law at the Barelang Police Department, Batam City is carried out in accordance with the provisions of laws and regulations. The enforcement is carried out against perpetrators of criminal acts, discipline and the police code of ethics. Enforcement of Article 34 of the Police Law is also carried out against police members who commit disciplinary violations three times in a row as stated in Article 13 of Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Members of the National Police. Police members who commit violations of the police code of ethics and are related to criminal acts are carried out based on general trials after which a KEPP trial will be carried out by the KKEP. Article 29 paragraph (1) of Law Number 2 of 2002 and PP No. 3 of 2002 concerning the technical implementation of general judicial institutions for members of the Police provide a basis for the types of criminal violations committed by police members.

Police officers who are proven to have committed a crime and sentenced to 4 years or more by a general court can only be processed according to the provisions in the KKEP. The imposition of administrative sanctions in the form of Dishonorable Dismissal (PDTH) will be recommended by the KKEP after a code of ethics hearing has been conducted. According to research data, all police officers involved in criminal acts at the Barelang Police Department, Batam City, have been given criminal sanctions, but only two police officers based on the data were given administrative sanctions by the KKEP in the form of PDTH sanctions. Four police officers are still undergoing investigation for drug crimes and have not been sentenced by the general court until this research was conducted on June 21, 2022.

According to the results of the author's research, the enforcement of disciplinary violations by police officers related to violations of the code of ethics was 40 (forty) police officers. Of the total number of officers who committed disciplinary

¹⁴ Ridwan HR, 2016, *State Administrative Law*, PT. Raja Grafindo Persada, Jakarta, pp. 101- 104.

violations, one police officer from the Bareleng Police Department, Batam City, was given sanctions related to violations of the police code of ethics in the form of being transferred to a different position of a demotion for at least 1 (one) year, based on the provisions of Article 21 of PERKAP Number 14 of 2011 concerning the Code of Ethics of the Indonesian National Police Profession.

According to the research data, it can be seen that the efforts made by PROPAM Polda Kepri regarding disciplinary violations of police members have been carried out according to existing regulations. Internal efforts are also made by Polda Kepri in enforcing the law and preventing disciplinary violations of police members. Various efforts every month for the implementation of the ideals of the Indonesian National Police, namely creating a clean and good Indonesian National Police in carrying out all its duties and obligations.

Law enforcement against violations directly related to the police code of ethics at the Riau Islands Police according to the results of the study there were 66 (sixty-six) individuals who committed violations related to the police code of ethics. The violations committed by these individuals were mostly within the scope of community ethics and personality. Of the 66 police officers who violated the police code of ethics related to discipline, there were 40 members who violated the code of ethics related to criminal law, while those related to the Police Professional Code of Ethics (KEPP) numbered 22 people. All members who violated the KEPP included 6 members who had undergone a KKEP trial and had been sentenced directly by the KKEP.

Based on the research results, law enforcement against perpetrators of police code of ethics violations at the Riau Islands Police is resolved with the provisions of Article 16 of PERKAP Number 7 of 2006, if there is a cumulative violation between disciplinary violations and violations of the Police Professional Code of Ethics, then the resolution is carried out through a Disciplinary Hearing or Police Code of Ethics Commission Hearing based on considerations from the Anjum superior or the legal superior of the person being examined and opinions and legal advice from the Legal Development Function Executor. Law enforcement of Article 34 concerning the obligation of police members to uphold the police code of ethics at the Bareleng Police, Batam City is carried out if there is a report or complaint submitted by the public, members of the Police or other sources that can be accounted for. Complaints are submitted to the BIDPROPAM of the Bareleng Police, Batam City.

Based on the research results obtained from interviews conducted by the author with Briptu Ferry as Head of Propam Polda Kepri, the author found several factors that were obstacles, namely: (1) legal factors; (2) law enforcement factors; and (3) legal culture factors.

Legal Factors, according to the theory of Soerjono Soekamto, one of the factors

that influences law enforcement is the legal factor itself.¹⁵ The legal factors which are related to the implementing regulations, namely the Police Chief Regulation which regulates the police code of ethics often change. Another legal factor is that there are differences in the rules in Government Regulation Number 2 of 2011 concerning Police Discipline with the Police Chief Regulation No. 14 of 2011 concerning the Police Professional Code of Ethics. The practice of law enforcement in the field sometimes results in a conflict between legal certainty and justice, this is caused by the concept of justice being an abstract formulation, while legal certainty is a procedure that has been determined normatively.

In fact, a policy or action that is not fully based on law is something that can be justified as long as the policy or action does not conflict with the law. So in essence, the implementation of law does not only include law enforcement, but also peace maintenance, because the implementation of law is actually a process of harmonizing values and real behavioral patterns that aim to achieve peace.

Law Enforcement Factors, namely in relation to Perkap Polri Number 14 of 2011 concerning the code of ethics of the Indonesian Police. Based on the theory put forward by Soerjono Soekanto, the law enforcement factor consists of two law enforcers, the first is law enforcement officers and the second is regulators (who make laws). The law enforcement factor that is very influential in enforcing Article 34 of the Indonesian Police Law at the Bareleng Police, Batam City is the Ankum or legal superior which is one part of the police disciplinary law enforcers who have not been able to maximize the implementation of Article 34 of the Indonesian Police Law because they are constrained when on duty. The constraints caused by the ANKUM or legal superior serving outside the Surabaya Police have caused a lack of attention from the ANKUM or legal superior to violations committed by its members. The role of law enforcers is very important, because law enforcers are more focused on discretion, namely in terms of making decisions that are not only bound by the law but also personal judgment. Several ANKUM or legal superiors at the Riau Islands Regional Police in enforcing Article 34 of the Republic of Indonesia Police Law are constrained by the time given by the Police Chief Regulation Number 14 of 2011 which requires them to complete disciplinary punishment within 30 days after the first examination file is received, while they are on duty.¹⁶ Supporting Facilities or Facilities Factors, supporting facilities or facilities factors include software and hardware. Enforcement of Article 34 of the Indonesian Police Law at the Riau Islands Police, Batam City experienced obstacles caused by factors of facilities and infrastructure that were less supportive. The facilities and infrastructure that were less supportive were computer programs or software that managed the reporting system in the Bagyanduan section in the process of reporting violations of the code of ethics at

¹⁵Soerjono Soekanto. *Factors Influencing Law Enforcement* Fifth Edition. Jakarta: Raja Grafindo Persada. 2014, p. 42.

¹⁶Djoko Prakoso, *Legal Efforts Regulated in the Criminal Procedure Code*, Ghalia Indonesia, Jakarta, 2019, p. 51 2. ebut.

the Riau Islands Police.

The author concludes based on field data that improving the facilities and infrastructure that support law enforcement will certainly optimize law enforcement itself. Law enforcement of Article 34 of the Indonesian Police Law at the Riau Islands Regional Police, if supported by adequate facilities and infrastructure, will optimize the services provided to the public regarding reports made by the public regarding cases of violations of the code of ethics committed by members of the Riau Islands Regional Police.

The obstacles experienced by BIDPROPAM in enforcing Article 34 of the Indonesian Police Law at the Riau Islands Regional Police are as described above. These obstacles come from legal factors (statutory regulations) that change and have dualism. Another factor is that law enforcers do not pay enough attention and the third is the means and facilities that support the enforcement of Article 34 of the Indonesian Police Law at the Riau Islands Regional Police. When a member of the police commits a disciplinary violation and is summoned once and does not come, twice and does not come three times, and when the order to bring the violator is issued, the violator is not found (absent), the question is how to resolve the disciplinary violation case file if the violator has not been subjected to a preliminary examination (BAP), can it be filed without the violator's BAP until now there has been no written regulation to overcome this problem. This is different from the regulation of the mechanism for resolving violations of the police professional code of ethics, namely if the violator of the code of ethics (specifically for desertion cases) if the violator has been summoned 3 (three) times and is not present, then a search has been carried out and cannot be found, the Propam function developer issues a DPO (Wanted List) and if it is still not found, then the Propam function developer (accreditor) can file a code of ethics case without a BAP (Examination Report) of the violator, which then at the time of the trial can also be held a trial in absentia (without the presence of the alleged violator) after being legally summoned 2 times and not present, then the trial commission can issue a trial decision.

4. Conclusion

Implementation of Dishonorable Dismissal of Police Members Who Commit Criminal Acts to Realize Legal Protection and Certainty, has been implemented well, but still needs to be revised in terms of emphasizing violations of the code of ethics, both criminal and civil law. Regulated in Law Number 2 of 2002 concerning the Indonesian National Police in relation to PERKAP Polri Number 14 of 2011 concerning the Code of Ethics of the Indonesian National Police in Polda Kepri has been carried out in accordance with the applicable laws and regulations. The punishment given to police members who commit crimes and are sentenced to four years or more in prison will also be subject to PTDH sanctions through the recommendation of the KKEP which will conduct a trial for the member. Riau Islands Regional Police concerned. Disciplinary sanctions are given through Ankum

or legal superiors, while sanctions for serious disciplinary violations and violations of the code of ethics are submitted to the KKEP for recommendations on the punishment to be given. The implementation and factors that become obstacles and solutions for dishonorable discharge of police members who commit crimes to realize legal protection and certainty (Research Study at the Bareleng Police Resort), have been carried out well, even some police members have received sanctions according to the actions they have committed. The implementation of dishonorable discharge of police members who commit crimes or violations of the POLRI professional code of ethics is subject to internal sanctions in the form of disciplinary sanctions consisting of dishonorable discharge. In this case, many police members have been given internal sanctions in the form of dishonorable discharge (dismissal) from the Indonesian National Police Service as stipulated in Article 11 to Article 14 of Government Regulation Number 1 of 2003 concerning Dismissal of Police Members relating to the Professional Code of Ethics. The obstacles experienced by Poresta Bareleng Batam City in enforcing the police code of ethics are changing laws and regulations that cause multiple interpretations. The level of discipline of Polri members is still lacking, the leadership does not pay enough attention to violations and the support of the Information Sector is slow.

5. References

- Ali, Zainuddin, *Philosophy of Law*, Jakarta: Sinar Grafika, 2014
- Ashshofa, Burhan, *Legal Research Methods*, Jakarta: Publisher PT. Rineka Cipta. 2017.
- Asshiddiqie, J. *Implications of the amendment to the 1945 Constitution on the development of national law*. Jakarta: Constitutional Court of the Republic of Indonesia, 2015.
- Bawengan Gerson, *Criminal Case Investigation*, Jakarta: Pradnya Paramita, 2017.
- Bungin, M. Burhan, *Qualitative Research Methods*, Jakarta: Andi, 2015.
- Constitution of the Republic of Indonesia Year 1945
- Criminal Code (KUHP).
- Djoko Prakoso, *Legal Efforts Regulated in the Criminal Procedure Code*, Ghalia Indonesia, Jakarta, 2019
- Government Regulation Number 32 of 1979 concerning Dismissal of Civil Servants as amended by Government Regulation Number 19 of 2013 concerning the Fourth Amendment to Government Regulation Number 32 of 1979 concerning Dismissal of Civil Servants.
- Government Regulation Number 4 of 1966 Dismissal/Temporary Dismissal of Civil Servants;
- HR. Ridwan, *State Administrative Law*, PT. Raja Grafindo Persada, Jakarta, 2016.
- Law Number 2 of 2002, concerning the Police of the Republic of Indonesia. (State Gazette of the Republic of Indonesia Number 4168)

Law Number 5 of 2014 concerning the State Civil Apparatus (State Gazette of the Republic of Indonesia Number 6 of 2014, Supplement to the State Gazette of the Republic of Indonesia Number 5494).

Marjono Reksodiprojo, Progress in Economic Development and Crime Center for Legal Services and Justice, Jakarta, 2015

Regulation of the Chief of Police Number 14 of 2011 Concerning the Code of Ethics of the Indonesian National Police Profession. Civil Code (KUHPperdata).

Regulation of the Head of the National Police of the Republic of Indonesia Number 4 of 2020 Concerning Settlement of Disciplinary Violations of Civil Servants of the National Police of the Republic of Indonesia.

Regulation of the Republic of Indonesia Government Number 2 of 2003 Concerning Disciplinary Regulations for Members of the Republic of Indonesia National Police.

Regulation of the Republic of Indonesia National Police Number 8 of 2021 Concerning Handling of Criminal Acts Based on Restorative Justice.

Soekanto Soerjono. Factors Influencing Law Enforcement Fifth Edition. Jakarta: Raja Grafindo Persada, 2014.