

**Law enforcement against members of the National Police involved in narcotics is reviewed from the Regulation of the Chief of Police No. 14 of 2011 concerning the Code of Professional Ethics of the National Police and Government Regulation No. 1 of 2003 concerning the Dismissal of Police Members.**

Tri Suharmoko<sup>1\*</sup>, Zainal Pakpahan<sup>2</sup>, Nimrot Siahaan<sup>3</sup>

<sup>1\*,2,3</sup>Universitas Labuhanbatu, Sumatera Utara, Indonesia

\*Email: triharmoko2000@gmail.com<sup>1\*</sup>, zainalpakpahan@gmail.com<sup>2</sup>, nimrotsiahaan4@gmail.com<sup>3</sup>

ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b> Law Enforcement, Police Members, Narcotics, Police Professional Code of Ethics, Dismissal of Police Members.</p>	<p>This study discusses law enforcement against members of the National Police involved in drug abuse, with a review of the Chief of Police Regulation Number 14 of 2011 concerning the Code of Professional Ethics of the National Police and Government Regulation Number 1 of 2003 concerning the Dismissal of Police Members. The research method used is normative legal research. The results of the analysis show that law enforcement against members of the National Police who commit criminal acts of drug abuse refers to Law Number 35 of 2009 concerning Narcotics. In addition, violations of the National Police Professional Code of Ethics may result in ethical and administrative sanctions in accordance with the provisions stipulated in the regulation. Ethical sanctions are applied for minor violations, while administrative sanctions can include serious violations that can result in dishonorable dismissal of members of the National Police. The implication of this study is the importance of maintaining the integrity and professionalism of members of the National Police in carrying out their duties and complying with applicable legal rules in order to realize fair and effective law enforcement.</p>

**INTRODUCTION**

The state of Indonesia is in the form of a republic, and Pancasila has become its state emblem (Virianti & Alrianingrum, 2014). The State of Indonesia is a country of Law. The law regulates every aspect of Indonesia. With the laws and regulations in force in Indonesia, everyone must obey these rules. To realize the enactment of these rules, legal officers who can supervise the course or not of the rules that apply in the community are needed. One of the Law Officers we often call Law Enforcement, and one of the law enforcers is the Police (Anshar & Setiyono, 2020). The whole unit of Indonesia is called Polri. Polri (National Police of the Republic of Indonesia) is a state tool that plays a role in maintaining public security and order, enforcing the Law, and providing protection, protection, and services to the community while maintaining internal security (Arif, 2021). So, it is appropriate for the police as law enforcement to provide a good reflection on the community so that the community does not violate existing laws and regulations (Arliman, 2020). The National Police Institution, as one of the law enforcers in Indonesia, has regulated its Main Duties, Functions, and Authorities regulated by the Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia (Danendra, 2013).

Number 2 of 2002: Maintaining public security and order; Enforcing the Law; Providing protection, protection, and service to the community. Furthermore, in Article 14 of Law Number 2 of 2002, further explained the duties of the police, namely: Regulating, guarding, guarding, and patrolling community and government activities as needed; Organizing all activities, especially in ensuring security, order, and smooth traffic; Fostering

the community to increase participation, legal awareness, and citizen compliance with laws and regulations; Participate in national legal development; Maintain public order and ensure public safety; Coordinate, supervise, and provide technical guidance to special police, civil servant investigators, and forms of self-government security; Conduct investigations and investigations into all criminal acts in accordance with the criminal procedure law and other laws and regulations; Organizing police identification and medicine, forensic laboratories, and police psychology for the benefit of police duties; Protect the safety of life, property, society, and the environment from disturbances of order and/or disasters, including the provision of assistance and assistance; Serving the interests of citizens temporarily, before being handled by agencies or authorities; Serving the community in accordance with their interests within the scope of police duties, and carrying out other duties in accordance with laws and regulations.

Based on Article 15, paragraph 1 of Law Number 2 of 2002, the general police authorities receive reports and complaints; Help resolve citizen disputes that may disturb public order, Prevent and overcome the growth of community diseases, Monitor flows that can cause division, and threaten the unity and unity of the nation; Issue police regulations within the scope of police administrative authority; Carry out special checks as part of police measures in order to prevent; Perform the first action at the scene; Taking fingerprints and other identification, and photographing a person Seeking information and evidence; Organizing a National Criminal Information Center; Issue permits and certificates required in community service; Provide security assistance in the trial and implementation of court decisions, other agency activities, and community activities; Receive and store found items for a while.

Article 15 paragraph (2) of Law Number 2 of 2002: Grant permits and supervise public crowd activities and other community activities; Organize motor vehicle registration and identification; Provide a motor vehicle driver's license; Receive notifications about political activities; Authorize and supervise firearms, explosives, and sharp weapons; Provide operational licenses and supervise business entities in the field of security services; Instruct, educate and train special police officers and self-help security officers in the technical field of police Cooperate with other national police in investigating and combating international crimes; Conduct police functional supervision of foreigners in Indonesia with the coordination of relevant agencies Representing the government of the Republic of Indonesia in international police organizations; Carry out other authorities that fall within the scope of police duties.

In the Police Duties Based on the Law that the author has described (Sukarnita & Surata, 2021), the conclusion is that Police Duties include Maintaining public security and order, Enforcing the Law, and Providing protection, protection, and service to the community. So what if, in fact, law enforcement, such as in the National Police Agency through Police Members, is the one who commits crimes or criminal acts that ordinary people often do? Will the police officer get the punishment that has been applied in society? Are the punishments the same and commensurate with those prevailing in society? Or is there any other punishment that will be received by members of the National Police who commit crimes other than imprisonment? Ordinary people often mention this. Because it is based on the state of Law, it applies to all circles without exception. So, is the application of the Law by what has been mandated by the Law? This is the background of the author why the author is interested in raising the title of Law Enforcement Against Police Members Involved in Narcotics in terms of the Chief of Police Regulation No. 14 of 2011 concerning the Police Professional Code of Ethics and Government Regulation No. 1 of 2003 concerning the Dismissal of Police Members (Erizolina, 2013).

The formulation of the problem in this study is How Law Enforcement Against Police Members Involved in Narcotics is reviewed from the Regulation of the Chief of Police No. 14 of 2011 concerning the Code of Professional Ethics of the National Police and Government Regulation No. 1 of 2003 concerning the Dismissal of Police Members (AUNUL ABHED, 2020).

Based on the above background, the purpose of this study is to find out and analyze law enforcement against members of the National Police involved in drugs in terms of the Regulation of the Chief of Police Number 14 of 2011 concerning the Code of Professional Ethics of the National Police and Government Regulation Number 1 of 2003 concerning the Dismissal of Police Members. So that the benefit of this study is to provide a deeper understanding of the law enforcement mechanism against members of the National Police involved in drug cases, by referring to the Regulation of the Chief of Police Number 14 of 2011 concerning the Code of Professional Ethics of the National Police and Government Regulation Number 1 of 2003 concerning the Dismissal of Police Members. Also as a provision of data and information that can be used as material for evaluating the effectiveness and efficiency of law enforcement within the National Police related to drug cases involving members of the National Police.

## **METHOD**

The type of research used is normative legal research. Normative research is legal research conducted by examining library materials or secondary data (Soekanto, 2007) (Marzuki, 2007). Also called doctrinal research, where Law is often conceptualized as what is written in laws and regulations (Law in books) or conceptualized as rules or norms that are a benchmark for human behavior that is considered appropriate. According to Peter Mahmud Marzuki, normative legal research is finding a rule of Law, legal principles, and legal doctrines to answer the legal issues faced (Amiruddin, 2006).

## **RESULTS AND DISCUSSION**

### **Law Enforcement Against Police Members Involved in Narcotics**

According to Prof. Dr. Satjipto Rahardjo, SH (Rahardjo, 2009): "Law enforcement is a series of processes to describe values, ideas, ideals that are quite abstract which are the goals of the law ."According to Prof. Sudarto, S.H. (FEBRIYANTI, 2021): "Law enforcement is comprehensive, not only concerned with actions when there is or is a suspicion that a crime has occurred, but also to maintain the possibility of crime. The latter is a matter of prevention from crime. If the convention is interpreted broadly, many bodies or parties are involved in it, namely the framers of the Law, the police, the prosecutor's office, the courts, the pamongpraja, the criminal execution apparatus, and ordinary people. The process of criminal condemnation in which these bodies each have a role can be viewed as an effort to keep the person concerned and society from committing a criminal act. However, the body that directly has the authority and obligation in this prevention is the police."

According to Soerjono Soekanto (Soekanto, 2007): "Law enforcement is the activity of harmonizing the relationship of values described in solid rules and manifesting and attitudes of action as a series of final stage value elaboration to create, maintain and maintain social peace." The conclusion of writing about law enforcement is that it is the process of making genuine efforts to function according to legal norms as a benchmark for community behavior guidelines in social relations and the state (Pahlevi, 2016).

### **Police**

Article 1, paragraph 1 in general provisions, states that the police are all matters related to the functions and institutions of the police by laws and regulations. Furthermore, in paragraph 2, it is stated that Members of the National Police of the Republic of Indonesia are civil servants of the National Police of the Republic of Indonesia. Paragraph 3 reads: Officers of the National Police of the Republic of Indonesia are members of the National Police of the Republic of Indonesia who, by Law, have general authority over the police. The police function is one of the state government's functions in maintaining public security and order, law enforcement, protection, and service to the community.

### **Drugs**

The definition of narcotics, according to Law Number 35 of 2009 concerning Narcotics Article 1 number 1, is a substance or drug derived from plants or non-plants, both synthetic and semi-synthetic, that can cause a decrease or change in consciousness, loss of taste, reduction to relieve pain, and can cause dependence, or very severe addiction. Narcotics are substances that can cause unconsciousness or anesthesia because these substances work to affect the central arrangement of the nerves. The definition of narcotics includes types of opium, such as morphine, cocaine, and heroin, or substances made from opium, such as (meridian and methadone).

Sylviana defines narcotics, in general, as substances (drugs) that can cause unconsciousness or anesthesia because these substances work to affect the nervous system of the brain (Sitanggang et al., 2023). The effect of narcotics, in addition to anesthetizing and lowering consciousness, is to cause delusion/hallucination (marijuana) and excitatory or stimulant power (cocaine). These narcotics can cause dependence. According to Mardani, "Narcotics are drugs or substances that can calm conditions, cause unconsciousness or anesthesia, relieve aches and pains, cause drowsiness or stimulation, can cause a stubborn effect, and can cause addiction or addiction and are designated by the Minister of Health as narcotics."

### **Kode Professor of Ethics Polri**

The professional code of ethics of the National Police is regulated in the National Police Regulation of the Republic of Indonesia Number 7 of 2022 concerning the Code of Professional Ethics and the Commission on the Code of Ethics of the National Police of the Republic of Indonesia. The Code of Professional Ethics of the National Police of the Republic of Indonesia, abbreviated as KEPP, is a norm or moral rule, both written and unwritten, that guides the attitude, behavior, and actions of officials of the National Police of the Republic of Indonesia in carrying out duties, authorities, responsibilities, and daily life. Furthermore, Article 2 reads: "The Commission on the Code

of Ethics of the National Police of the Republic of Indonesia, from now on abbreviated as KKEP, is a commission established within the National Police of the Republic of Indonesia to enforce KEPP.

Law No. 35 of 2009 concerning Narcotics has regulated the sanctions given to narcotics crimes, including:

- a. Criminal offenses are for persons who do not report the existence of narcotics crimes (Article 131)—sentenced to a maximum imprisonment of 1 (one) year or a maximum fine of Rp. 50,000,000 (fifty million rupiah).
- b. Criminal acts for civil servants, police investigators, BNN investigators who do not implement the provisions on evidence (Article 140) shall be punished with a maximum imprisonment of 1 ( ) year and, a maximum of 10 (10) years, and a maximum of IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).
- c. Criminal acts for the Chief District Attorney who does not implement the provisions of Article 91 paragraph (1) (Article 141) shall be punished with a prison sentence of not less than 1 (one) year and a maximum of 10 (ten) years and a fine of at least Rp. 1,000,000,000.00 (one hundred million rupiah) and a maximum of Rp. 1000,000,000.00 (one billion rupiah).

Providing criminal sanctions for the abuse of narcotics is almost the same as what is applied to ordinary people; all have been regulated according to the provisions of Law No. 35 of 2009 concerning Narcotics, so there is no exception for police officers who abuse narcotics, law enforcement is the same, it is just that in the National Police there is an addition, namely every violation and criminal act committed will be enforced regulations concerning the Police Professional Code of Ethics. The sanction can be up to dishonorable dismissal from the Indonesian National Police Unit.

### **1. Regulation of the Chief of Police No. 14 of 2011 concerning the Code of Professional Ethics of the National Police**

Paragraph 4 of Personality Ethics Article 13 Every National Police Officer in Personality Ethics is prohibited: Letter E to abuse narcotics, psychotropic drugs and illegal drugs including storing, using, distributing and producing narcotics, psychotropic and illegal drugs;

Chapter XI Imposition of Ethical and Administrative Sanctions for Members of the National Police who commit violations. We can see it in Chapters 107 to 111. It reads as follows:

Article 107 National Police Officials who commit KEPP violations are subject to sanctions in the form of:

- a. ethical sanctions, and
- b. administrative sanctions.

Article 108.

- 1) Ethical sanctions, as referred to in Article 107 letter a, include:
  - a. The behavior of the Offender is declared to be reprehensible;
  - b. The obligation of violators to apologize orally before the KKEP Session and in writing to the leadership of the National Police and the aggrieved party and
  - c. Violators are required to participate in spiritual, mental, and professional knowledge training for one (one) month.
- 2) Ethical sanctions, as referred to in paragraph (1), are imposed on violators who commit violations in a light category.

Article 109.

- 1) Administrative sanctions, as referred to in Article 107 point b, include:
  - a. Demotion mutation for a minimum of 1 (one) year;
  - b. Delay of promotion at least 1 (one) year and at most 3 (three years);
  - c. Education delay for a minimum of 1 (one) year and a maximum of 3 (three years);
  - d. Placement in a Special Place no later than 30 (thirty) working days; and
  - e. PTDH.
- 2) As referred to in paragraph (1), administrative sanctions may be imposed on Suspected Offenders who commit violations in the moderate or severe categories.

Article 110.

- 1) As referred to in Article 107, the imposition of sanctions is cumulative and alternative to the assessment and consideration of the KKEP Session.
- 2) The fall of the KEPP sanction does not eliminate criminal and data claims.

- 3) The imposition of KEPP sanctions fell because the Alleged Violator died.

#### Article 111.

- 1) Suspected KEPP violators threatened with PTDH sanctions can submit their resignation from the National Police Service on specific considerations before the KKEP Session.
- 2) Specific considerations, as referred to in paragraph (1), include Alleged Offenders:
  - a. Have a service period of at least 20 (twenty) years;
  - b. Have achievements, good performance, and meritorious to the National Police, nation, and state before committing violations; and
  - c. Do not commit a crime that is punishable by imprisonment for a maximum of 5 (5) years.

#### Chapter XII Miscellaneous Provisions

##### Article 112.

- 1) In the event of a cumulative violation between the disciplinary violation and KEPP, enforcement is carried out through the mechanism of a disciplinary hearing or KKEP session based on the Decree of the Head of the Work Unit where the Alleged Violator serves by considering legal opinions and advice from the legal function.
- 2) Violations decided through a disciplinary hearing cannot be subject to a KKEP Session, and those decided in a KKEP Session cannot be subject to a disciplinary hearing.

## 2. Government Regulation No. 1 of 2003 concerning the Dismissal of Police Members

Chapter I In Article 1, numbers 1 to 5 read as follows:

Article 1 In this Government Regulation is meant by:

- a. Members of the National Police of the Republic of Indonesia are civil servants in the National Police of the Republic of Indonesia.
- b. Dismissal from the Police service is the dismissal of a police member from the National Police Service of the Republic of Indonesia to provide legal certainty that the person concerned is no longer a member.
- c. Police Service is all service activities by members of the National Police of the Republic of Indonesia.
- d. Honorable dismissal is the termination of the period of police service by an authorized official against members of the National Police of the Republic of Indonesia by applicable laws and regulations.
- e. Dishonorable dismissal is the termination of the period of Police service by an authorized official against a member of the National Police of the Republic of Indonesia for specific reasons.

Chapter III governs Dishonorable Dismissal.

Article 11 A discharged member of the Indonesian National Police shall not be honorably discharged if:

- a. Committing a criminal offense;
- b. Commit an offense;
- c. Leaving tasks or other things.

Part One Commits a Criminal Offense by the reads:

##### Article 12

- 1) A member of the National Police of the Republic of Indonesia is dishonorably discharged from the service of the National Police of the Republic of Indonesia if:
  - a. Sentenced to imprisonment based on a court decision that has permanent legal force and, in the judgment of the authorized official, cannot be maintained to remain in the service of the National Police of the Republic of Indonesia;
  - b. Known to provide false and incorrect information then when registering as a candidate for the National Police of the Republic of Indonesia;
  - c. Conduct businesses or activities that clearly aim to change Pancasila, engage in movements, or carry out activities that oppose the state and/or the Government of the Republic of Indonesia illegally.
- 2) The dismissal referred to in paragraph (1) shall be carried out after a hearing of the Commission on Professional Code of Ethics of the National Police of the Republic of Indonesia.

Part Two Committing Violations reads:

##### Article 13

- a. Members of the National Police of the Republic of Indonesia may be dishonorably dismissed from the service of the National Police of the Republic of Indonesia for violating the oath/promise of members of the

National Police of the Republic of Indonesia, oath/promise of office, and the Code of Professional Ethics of the National Police of the Republic of Indonesia.

- b. The dismissal referred to in paragraph (1) shall be carried out after a hearing of the Commission on Professional Code of Ethics of the National Police of the Republic of Indonesia.

Part Three Leaving Tasks or Other Things as it reads:

Article 14

- 1) A member of the National Police of the Republic of Indonesia is dishonorably discharged from the service of the National Police of the Republic of Indonesia if:
  - a. Leaving his/her duties unlawfully within more than 30 (thirty) consecutive working days;
  - b. Commit acts and behavior that may harm the Police service;
  - c. Committing suicide to evade investigation and prosecution or die as a result of a criminal act committed or
  - d. Be a member and manager of a political party.
- 2) The dismissal referred to in paragraph (1) shall be carried out after a hearing of the Commission on Professional Code of Ethics of the National Police of the Republic of Indonesia.

## CONCLUSION

Based on research conducted to determine and analyze law enforcement against members of the National Police involved in drug abuse, judging from the Regulation of the Chief of Police Number 14 of 2011 concerning the Code of Professional Ethics of the National Police and Government Regulation Number 1 of 2003 concerning the Dismissal of Police Members, it was concluded that law enforcement against members of the National Police who violate the provisions of the Law will result in the application of strict sanctions, ethical, and administrative. Ethical sanctions will be imposed for minor offenses, while administrative sanctions may include minor or severe violations, with the consequence of sanctions being dishonorable dismissal. The suggestion from this study is the need for consistent and proportionate law enforcement against members of the National Police involved in drug abuse, as well as the need for regular monitoring and evaluation of the implementation of regulations related to the code of ethics and dismissal of members of the National Police. The implication of this study is the importance of maintaining integrity, professionalism, and obedience to the law in the police body in order to increase public trust and the effectiveness of police agencies in carrying out their duties.

## REFERENCES

- Amiruddin, A. Z. (2006). Pengantar Metode Penelitian Hukum Jakarta: Raja Grafindo Persada. *Cet. Ke-1*.
- Anshar, R. U., & Setiyono, J. (2020). Tugas dan Fungsi Polisi sebagai penegak hukum dalam Perspektif Pancasila. *Jurnal Pembangunan Hukum Indonesia*, 2(3), 359–372.
- Arif, M. (2021). Tugas dan fungsi kepolisian dalam perannya sebagai penegak hukum menurut Undang-Undang Nomor 2 Tahun 2002 tentang kepolisian. *Al-Adl: Jurnal Hukum*, 13(1), 91–101.
- Arliman, L. (2020). Mewujudkan Penegakan Hukum Yang Baik Untuk Mewujudkan Indonesia Sebagai Negara Hukum. *Doctrinal*, 2(2), 509–532.
- AUNUL ABHED, M. (2020). ANALISIS PASAL 11, 12, 13, DAN PASAL 14 PERATURAN PEMERINTAH NOMOR 1 TAHUN 2003 TENTANG PEMBERHENTIAN ANGGOTA POLRI TERHADAP OKNUM ANGGOTA POLRI YANG MELAKUKAN TINDAK PIDANA NARKOTIKA (Studi Kasus di Kepolisian Resort Kabupaten Sumenep). Universitas Wiraraja.
- Danendra, I. B. K. (2013). Kedudukan dan Fungsi Kepolisian dalam Struktur Organisasi Negara Republik Indonesia. *Lex Crimen*, 1(4).
- Erizolina, M. (2013). IMPLEMENTASI PERATURAN KAPOLRI NO. 14 TAHUN 2011 TENTANG KODE ETIK POLRI PADA POLISI SEKTOR SENAPELAN. UNIVERSITAS ISLAM NEGERI SULTAN SYRIEF RIAU.
- FEBRIYANTI, F. (2021). Efektivitas Hukum Terhadap Pidana Tutupan Sebagai Sanksi Pidana. Universitas Jenderal Soedirman.
- Marzuki, P. M. (2007). Penelitian Hukum, Edisi Pertama, Cetakan ke-3. *Kencana Prenada Media Group, Jakarta*.
- Pahlevi, F. S. (2016). Revitalisasi Pancasila Dalam Penegakan Hukum Yang Berkeadilan Di Indonesia. *Justicia Islamica*, 13(2), 173–198.
- Rahardjo, S. (2009). *Penegakan hukum: suatu tinjauan sosiologis*.
- Sitanggang, D., Siadari, L. P. P., & Dahlan, D. (2023). Juridical Analysis Of The Application Of Restorative Justice In Case Of Narcotics Abuse In The Directorate Of Drugs, Polda Kepri. *International Journal of Educational Review, Law And Social Sciences (IJERLAS)*, 3(1), 1–10.
- Soekanto, S. (2007). *Penelitian hukum normatif: Suatu tinjauan singkat*.

- Sukarnita, P. H., & Surata, I. N. (2021). Peranan Profesi dan Pengamanan Dalam Penegakan Kode Etik Kepolisian Berdasarkan Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia Di Kepolisian Resor Buleleng. *Kertha Widya*, 8(1), 38–66.
- Virdianti, P., & Alrianingrum, S. (2014). Proses Penetapan Garuda Pancasila Sebagai Lambang Negara Indonesia Tahun 1949-1951. *AVATARA, e-Journal Pendidikan Sejarah*, 2(2), 3–4.