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# Law Enforcement of Corruption in the Police: Assessing Law Enforcers Integrity

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## Abstract

Corruption within the Police can be committed by anyone regardless of educational background, ethnicity, rank, or position. Starting from the lowest to the highest ranks and positions, even though they are not free from the temptation of corruption. The research uses a qualitative approach with case study research by collecting data through participant observation, in-depth interviews, and documentation. This research is descriptive-analytical. The results show that law enforcement that is conducted against police personnel who commit criminal acts of corruption is indeed carried out with the principle of “enforce the law using the law” through all existing regulations; however, the sanctions given are never or rarely as much as possible as stated in the law. This fact is law enforcement that does not wholeheartedly use the law. The implementation of law enforcement against police who commit corruption crimes is normatively carried out by combining the criminal sanctions and internal sanctions, such as dishonorable dismissals by Police institution. According to the existing laws and regulations, ideal law enforcement for police personnel who commit criminal acts of corruption must be carried out by prioritizing the combination of criminal sanctions, internal sanctions and widely publicized in Indonesian society as social sanctions.

**Keywords:** Corruption; Criminal Law; Integrity; Police; Law Enforcement.

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## 1. INTRODUCTION

Police are often trapped in committing corruption, whereas the criminal act of corruption is an act that can damage all government domain if it is committed by authorized officers [<sup>1</sup>] with its rank, discretion, and power. Given that the National Police Institution is frontline and prominent in law enforcement in the Unitary State of the Republic of Indonesia, when there are personnel of the Police committing criminal acts of corruption, it actually hinders law enforcement mechanisms in Indonesia. If this corruption behavior is committed by police officers, it will be very dangerous.

Corruption within the Police can be committed by anyone regardless of educational background, ethnicity, rank or position. Starting from the lowest to the highest ranks and positions, even though they are not free from the temptation of corruption. The facts that have existed so far have proven that there are not a few elements of the National Police, both with high and low ranks, who then end up trapped in the traps and traps of criminal acts of corruption in the Unitary State of the Republic of Indonesia. This fact shows that any profession, including police personnel can be caught in a trap to commit corruption.

One of the leading newspapers in Indonesia, Tempo [<sup>2</sup>] more or less than a decade ago, presented the findings of several examples of corruption cases involving police officers who happened to have fairly

<sup>1</sup>Seeing from the way it works and its impact, corruption can be categorized as theft (*sariqah*) and robbery (*nahb*). According to this view, the proper punishment for corruptors is cutting their hands up to the death penalty” (Tb Ronny Nitibaskara, *Ragam dan Jenis Kejahatan Kontemporer di Indonesia*, Jakarta: UMJ, 2018, 297).

<sup>2</sup>Jenderal Polisi di Pusaran Korupsi (On-line), available at <https://nasional.tempo.co/read/421944/jenderal-polisi-di-pusaran-korupsi/full&view=ok> 10 January 2022).

high positions and ranks in the National Police. Starting from the corruption case involving Brigadier General Samuel Ismoko [<sup>3</sup>], Komjen Pol Suyitno Landung [<sup>4</sup>], and Brigadier General Edmon Ilyas [<sup>5</sup>].

In addition, most of the Indonesian people still remember one of the cases of corruption which was phenomenal and very viral in its time among other things, cases of corruption that befell and involve other police personnel who happen to have high ranks and positions within the national police, namely Komjen Susno Doadji [<sup>6</sup>] and Inspector General Djoko Susilo [<sup>7</sup>] a few years ago nor the one who dragged Inspector General Napoleon who was widely reported in the media lately.

In one period in 2010 - 2021 or a span of about 11 years, various data were found regarding several police personnel who were trapped in committing criminal acts of corruption. There are at least 16 cases that have happened to all police personnel based on data from the National Police Criminal Investigation Agency, Directorate of Corruption Crimes [<sup>8</sup>].

<sup>3</sup>On 27 September 2005, the former Director II of Special Economics at the Criminal Investigation Unit was sentenced to 1 year and 8 months in prison in the fictitious L/C case of BPD Bali to Bank BNI worth Rp. 1.3 trillion. An investigator named Kombes Pol Irman Santoso, who is also Samuel Ismoko's subordinate, was sentenced to 2 years and 8 months in the same case;

<sup>4</sup>Former Head of Criminal Investigation Unit, Komjen Pol Suyitno Landung, was sentenced to 1 year and 6 months in prison in connection with BNI burglary case. Being a suspect on June 3, 2005, Suyitno was deactivated from his position as Kabareskrim and only held the status of High Officer (Pati) at the National Police Headquarters.

<sup>5</sup>The former Lampung Regional Police Chief is considered negligent because he changed the article that was imposed on Gayus when he was Director II of the Special Economics Unit of the Police Criminal Investigation Department. Brigadier General Edmon was tried by the National Police Headquarters Professional Ethics Council on February 28, 201, he was sentenced to no longer work in the criminal justice system and apologized to the corps.

<sup>6</sup>In the Decision of Case No. 899 K/PID.SUS/ 2012, November 22, 2012, the Supreme Court decided that Susno was found guilty of committing a criminal act of corruption. The court stated that Susno was proven guilty of corruption in the handling of the PT. Salmaf Arowana Lestari case and the management of the 2008 West Java regional election security funds, he was sentenced to 3.5 years in prison. {"Kronologi Eksekusi Susno Doadji", (On-line), available at <https://www.antaraneews.com/berita/372768/kronologi-eksekusi-susno-duadji> (21 January 2022)}.

<sup>7</sup>Putusan Berkekuatan Hukum Tetap. KPK Eksekusi Djoko Susilo", (On-line), available at <https://nasional.kompas.com/read/2014/07/08/19441561/Putusan.Berkekuatan.Hukum.Tetap.KPK.Eksekusi.Djoko.Susilo> (21 January 2022)}.

<sup>8</sup>Source: Police Criminal Investigation Agency, Directorate of Corruption Crimes, June 2021.

These findings indicate that the traps of corruption do not only affect the police personnel in his rank are below the first officer. However, it is also experienced by all elements of the National Police with the first officer and above. So, corruption can indeed ensnare anyone, including the police profession. Regardless of the educational background or rank. Meanwhile, the majority of the civil society will think that corruption is committed by "low" rank police personnel. But on the other hand, if a corruption crime involves a high-ranking National Police officer with such a high rank and position, it will be considered by many ordinary people in Indonesia as an abnormality.

A brief illustration above shows that the trap of corruption does not look at the background and rank of police personnel. If this behavior continues, it can be ascertained that it will affect the realization of law enforcement and certainty in handling corruption crimes committed by State apparatus. If this fact persists and is left unchecked, in the future it will disrupt the image of the National Police and law enforcement institutions in the Unitary State of the Republic of Indonesia.

Corruption itself is a one of the extraordinary crimes that causes financial and economic losses to the State. In fact, this criminal act of corruption turns out to be an global-organized crime (KTO GLOBAL). A crime that can have an effect and influence on the global world order, in the sense that it can disrupt the continuity of life in every country in era of globalization today.

Law enforcement in cases of corruption involving all elements of the National Police in the previous brief illustrations, must realize law enforcement that prioritizes "enforce the law using the law". Because, if law enforcement only uses the law without being accompanied by the intention to enforce the law or enforce the law using other means, it will ignore certainty and justice. This neglect will in the future interfere with the eradication of corruption in the Unitary State of the Republic of Indonesia. Therefore, the realization of law enforcement through the above principles should be implemented by involving legal apparatus ranging from the police, prosecutors, judges, to advocates. Together with all levels of society in a criminal justice system of Indonesia. A criminal justice system that must be free, independent, and purely independent in carrying out law enforcement against acts of corruption that use the law in Indonesia.

It is certain that every rule must contain certain sanctions for every person who violates it. When the sanctions are not clearly formulated in a regulation or when the sanctions are found to be very far from the expectations and aspirations of the people, the laws and regulations will not have power in the community. The whole community will also not directly and voluntarily obey these rules. Likewise, if the sanctions given to

high-ranking police officers who are trapped in committing criminal acts of corruption turn out to be very much different from the police personnel who perpetrate corruption crimes in Indonesia who happen to have lower ranks.

Sanctions play an important role in determining law enforcement and realizing legal certainty. It can be said to be a *controller* or a kind of *crime controller* because every party who wants to commit a crime of course should first consider all factors and aspects that exist, including the sanctions from the crime itself. Corruption can occur due to several factors. The Corruption Eradication Commission (KPK), as one of the front lines of eradicating corruption in the Unitary State of the Republic of Indonesia, in an Itwasum Polri National Working Meeting held in 2021 ago, once formulated the causes of corruption, including:

- a. *Greed*, the greed of corrupt actors that potentially exists in everyone;
- b. *Opportunity*, a system that provides a hole for corruption, which is related to the condition of the organization/institution or community environment that opens up opportunities for someone to commit fraud;
- c. *Need*, a mental attitude that is never enough, full of consumerism, and always full of needs that never end;
- d. *Exposure* (low penalties for corruptor), punishments that do not deter the perpetrators or others, and minimal deterrence effect [<sup>9</sup>].

The elucidation of the Corruption Eradication Commission as above seems to be very related to *Jack Bologne's Gone Theory*. In addition, the Corruption Eradication Commission has also formulated other causes of corruption regarding the system in Indonesia. The explanations and formulations include the following:

- a. *Fail System*, the failure of the system creates opportunities for people to commit corruption;
- b. *Bad System*, it makes people tend to do corruption;
- c. *Weak System*, it makes people want to do corruption [<sup>10</sup>].

Observing the theory, it should be understood that every profession with any background can be trapped in committing a criminal act of corruption. In other words, it is not only the police who can be caught doing this act. However, other legal professions ranging from prosecutors, judges, advocates to members of the Corruption Eradication Commission have also not been spared the temptation of corruption in the Unitary State of the Republic of Indonesia.

<sup>9</sup>KPK material in the 2021 National Police Itwasum National Working Meeting, "Effectiveness of Prevention and Eradication of Corruption", (Jakarta: Corruption Eradication Commission, 2021), page: 9.

<sup>10</sup>*Ibid*.

In addition, in another theory, Cressey's *Fraud Triangle Theory* suggests 3 (three) factors that influence fraud that leads to corruption. These three are opportunity, motivation and rationalization. These three have the same degree of mutual influence [<sup>11</sup>]. Such opportunity, motivation, and rationalization are also a basis and main guideline regarding the occurrence of corruption. In this case, especially all unscrupulous police personnel who then ended up trapped in committing the crime of corruption themselves.

Actually, corruption is a way of stealing that uses more brains than muscles. The utilization of the brain above includes actions and efforts to abuse the authority and power it has, take advantage of existing gaps and opportunities, along with all other internal and external factors, so as to make the person concerned commit a criminal act of corruption in a way that is very incomprehensible to the general public.

In this way, corruption is very different from blue collar crime (street crime). This type of crime generally commits the crime or theft as illustrated above, only by using physical strength as the main factor. However, for those who are educated and "rank" and have a high position and power in a legal institution, they prefer to use their brains and knowledge while taking advantage of their authority and power. So, it can be ascertained that the higher the rank of police personnel, the greater of power and authority they have. This fact can often make them careless and trapped in the trap of corruption.

Hence, the definition of a criminal act of corruption itself is an act or behavior in the form of theft or an act that takes the rights of others through opportunities that are manifested in the power and authority possessed by the person concerned. This act is conducted by fulfilling the elements: against the law, enriching oneself himself or another person who is a corporation and is financially detrimental country or country' economy.

## 2. METHOD

The research uses a qualitative approach with the type of case study research by collecting data through participant observation, in depth interviews, and documentation.<sup>12</sup> The research was conducted at location and in natural conditions.<sup>13</sup> Given, in this case, related to criminal acts of corruption involving the police personnel themselves so far. This research is descriptive analytical. In this research, legal principles, basic concepts and theories in the field of law related to criminal acts of corruption committed by police personnel will be presented. In addition, data will also

<sup>11</sup>*Ibid*.

<sup>12</sup>Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R & D, Cetakan 23*, (Bandung: Alfabeta, 2016), p.15.

<sup>13</sup>*Ibid*, p.8.

be presented which will then be analyzed in depth to find the theoretical basis and general principles that are considered applicable in contemporary legal policy.

### 3. Law Enforcement Regulations for Police Persons as Corruptor

Police is one of the noble professions or *nobile officium*. In relation with the definition of this profession, in the Big Indonesian Dictionary mentions that:

“Profession means a field of work based on certain skill education. The definition reflects that a profession can only be performed properly if the person who runs it has the prerequisite knowledge and skills as desired by the profession such as professions of teachers, accountants, doctors, soldiers, lecturers, lawyers and the police in particular” [14].

Police personnel is a profession that has an important position in the realm of Indonesian law enforcement so that they must always maintain their behavior. Hartjen once noted that “most researchers seem to agree that police behavior is largely a function of their concern for danger, authority, hostility, efficiency and suspicion” [15].

The police are always required to behave alert and suspicious of their surroundings. As Hartjen mentioned that “to the police the world is a dangerous and hostile place” [16]. On the other hand, regarding the police profession which is full of risks and dangers, Nitibaskara has briefly stated the following:

“In run their profession, it is also worth contemplating that Police personnel are also humans and ordinary people like others, who sometimes when carrying out their duties are in a state of tiredness, restlessness, full of pressure and very uncertain conditions. All of that will gradually crystallize in a decrease in the ability to control oneself which will lead to a decline in the professional ability to carry out their daily tasks” [17].

This decrease in capacity was also suspected to have made individual Police personnel trapped in committing criminal acts of corruption. A behavior that is contrary to the duties and obligations of his profession as one of the servants of the State. Barker & Carter’s book, *Police Deviance*, mentions that corruption committed by police officers as expressed Lynch and Diamond’s opinion and quoted by Nitibaskara are:

“.....is a violation or deviation of police behavior as a violation by a police officer against (1) formal written normative regulations; (2) traditional operating procedures; (3) rules and procedures of the police and

other public service agencies; and (4) civil and criminal law” [18].

Geller has also classified several facts of police misconduct into 5 (five) broad categories which include the following: quality, harassment, corruption, violation of constitutional rights, and failure to take necessary and appropriate action” [19]. The crime of corruption itself has actually been defined for quite a long time through the formulation of provisions of the 13 articles contained in Act No. 31 of 1999 which has been amended into Act No. 20 of 2001 concerns the Eradication of Criminal Acts of Corruption. Based on these articles, several facts were found as stated below: “There are 30 types of criminal acts of corruption which can all be grouped as follows: state financial losses, bribes, embezzlement in office, extortion, fraudulent acts, conflicts of interest in procurement, and gratuities” [20].

Corruption within the police itself in any country is generally divided into 2 (two) main forms: internal and external corruption. Corruption that occurs or takes place within the police and corruption that is created outside the police. The meaning of both briefly is as follows:

“Internal corruption is corruption that does not involve the public or ordinary people, while external corruption is corruption that involves the community. As with the economic law of supply and demand, the culture of corruption within the police is finally formed and created [21].

However, sometimes community itself that creates opportunities for corruption, especially in external corruption. So, the phenomenon of corruption cannot be separated from the role of the community in creating corruption within the police. Especially if they are dealing with or caught in a case involving the police. Usually, whoever is involved in a criminal case that is being handled by the police, it is certain that they will try their best and as much as possible to escape and escape or be free from investigation. Starting from this initial phase, opportunities and loopholes have been created for the occurrence of criminal acts of corruption by unscrupulous police personnel.

Likewise with the informer, who will also try to approach the officers so that the case is prioritized to be followed up immediately until it is finished. In this context, it is certain that the services of the police will be contested. In accordance with the existing market law, the more it is contested, the more sought after, the

<sup>14</sup>Tb Ronny R. Nitibaskara, *Kapita Selecta Sociology of the Police*, (Jakarta: UMJ, 2018), page: 31.

<sup>15</sup>*Ibid*, pp.: 31 - 32.

<sup>16</sup>*Ibid*, p.: 32.

<sup>17</sup>*Ibid*, p.: 33.

<sup>18</sup> Tb Ronny R. Nitibaskara, *Kapita Selecta Sosiologi Kepolisian*, (Jakarta: UMJ, 2018), p.31.

<sup>19</sup>*Ibid*.

<sup>20</sup> Tb Ronny R. Nitibaskara, *Ragam dan Jenis Kejahatan Kontemporer di Indonesia*, (Jakarta: UMJ, 2018), p.303.

<sup>21</sup>*Ibid*.

more expensive it will be [22]. In the corruption crimes committed by the police personnel, the public and the National Police take advantage of the discretionary authority possessed by the relevant police personnel. Each rank level of police personnel does have different powers and discretionary powers from one another.

The higher the rank of police personnel, the higher and wider their discretionary powers will be. This discretion is usually used by the public and the police personnel concerned. Thus creating the occurrence of criminal acts of corruption within the Indonesian National Police. Discretion is a power or authority granted a set of legal instruments and laws and regulations in the Unitary State of the Republic of Indonesia, especially those relating to the National Police. Every member of the National Police has been guaranteed by Article 18 paragraph (1) of Act No. 2/2002 concerns the Indonesian National Police regarding the powers and discretionary powers.

The formulation of the article provisions above states “for the public interest, officers of the State Police of the Republic of Indonesia in carrying out their duties and authorities may act according to their own judgment. The meaning of “acting according to one’s own judgment” is an action that can be taken by members of the Indonesian National Police, who in their actions must consider the benefits and risks of their actions and are truly in the public interest.

Also, discretionary power has limitations or is very limited. This fact is as stated in the formulation of the provisions of paragraph (2) of the same article that “such power can only be exercised in very necessary circumstances by taking into account the laws and regulations and the Code of Ethics of the State Police of the Republic of Indonesia.” In addition, provision article 5 paragraph (1) letter *a* to the 4<sup>th</sup> section in the Criminal Procedure Code, also regulates the discretionary power of the police. The provision states that because of their obligations, the police have the authority to take other legally responsible actions.

The meaning of “other action” itself is a specific action of the researcher for the purpose of the investigation provided: “not contrary to a rule of law; in accordance with legal obligations that require official action; the action must be appropriate and reasonable and within the scope of his office; as well as on due consideration based on compelling circumstances; respect for human rights” [23].

Villiers is a Police Staff College Lecturer in Bramshill - Hampshire as quoted by Nitibaskara stating that:

“Police officers have an important element, namely freedom. Freedom, personal responsibility for actions, and individual decisions go hand in hand. Usually a police officer will not first ask other members about the professional decisions he makes. Police at all levels are familiar with individual decision-making systems” [24].

This privilege called discretion, when used for the positive side, which aims to simplify the law so it is not complicated and pays attention to the mistakes and losses between the victim and the perpetrator in a legal case, should be supported and appreciated. However, it will be dangerous if it is misused by unscrupulous police personnel to commit criminal acts of corruption. Meanwhile, in carrying out their duties and authorities as police officers to eradicate corruption, police personnel are supported by a set of existing legal rules.

At the normative level, the statutory regulations for criminal acts of corruption for individual police personnel are divided into 2 (two) types. *The first*, regulation that applied in every party both the communities and police personnel, namely: the Criminal Code; Act No. 31 of 1999 concerning Eradication of Criminal Acts of Corruption; Act No. 20 of 2001 concerning Amendments to Act No. 31 of 1999 concerning Eradication of Criminal Acts of Corruption; Act No. 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering; and Act No. 30 of 2002 concerning the Corruption Eradication Commission.

*The second*, legal instruments that are only intended specifically for police personnel, such as, Government Regulation No. 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police; Government Regulation No. 1 of 2003 concerning the Dismissal of Members of the Indonesian National Police; and Regulation of the National Police Chief No. 14 of 2011 concerning the Professional Code of Ethics of the Indonesian National Police.

#### **4. Implementation of Law Enforcement Against Corruption Crimes Committed by Police Personnel**

The corruption as committed by the National Police is an abuse of authority. Abuse of authority which is all forms of action committed by the police without regard to motives, intentions or feelings of revenge that tend to injure, insult, trample on human dignity, show feelings of humiliation, and/or carry out police work [25]. So, the implementation of law enforcement against perpetrators must be carried out as much as possible by using the law.

<sup>22</sup>*Ibid*, pp.23-24.

<sup>23</sup> Tb Ronny R. Nitibaskara, *Kapita Selektasi Sosiologi Kepolisian*, (Jakarta: UMJ, 2018), p.161.

<sup>24</sup>*Ibid*.

<sup>25</sup> Tb Ronny R. Nitibaskara, *Kapita Selektasi Sosiologi Kepolisian*, (Jakarta: UMJ, 2018), p.175.

Conceptually, law enforcement, justice [26], and legal certainty have a very close relationship with one another. Exact law enforcement will be able to create legal certainty. Legal certainty created will create justice for the community. These three elements should be fully implemented in order to minimize the occurrence of criminal acts of corruption committed by police personnel.

Law enforcement against police personnel who commit corruption must be carried out thoroughly and evenly. Furthermore, the punishment technique effective for prevention the occurrence of corrupt practices in the institution of Police by *up to down* technique and not *bottom up*. The technique is conducted by implement a law enforcement from the highest to the lowest rank. Punishment technique way this will have a psychological effect which is huge for members other police. So that it will reduce their intention to commit such criminal acts of corruption in the future.

If the punishment technique was conducted from bottom-up, it would only touch the lower level members. This technique will not have a maximum and comprehensive deterrent effect because this bottom-up punishment actually seems to only affect people who are called “scapegoats” or police personnel who are deliberately sacrificed to cover up the disgrace of corrupt perpetrators who have high ranks and positions or police officers.

Law enforcement against police personnel who can achieve justice and legal certainty must indeed be carried out from the highest to lowest rank. In a sense from up to down not vice versa from bottom to top. So that one of the goals of justice as the embodiment of legal certainty that results in legal protection can be carried out properly in order to minimize the crime of corruption.

<sup>26</sup> Regarding this Justice, the former Chief Justice of the Constitutional Court Prof. Jimly Asshiddiqie in an article entitled *Law Enforcement* which is accessed via [www.jimly.com](http://www.jimly.com), on February 20, 2022, at 18:37, p.4, once stated that, “The law cannot guarantee justice if the material is mostly a legacy of the past which is no longer in accordance with the demands of the times. This means that the problems we face are not only related to law enforcement efforts but also law reform or the making of new laws. Therefore, there are four important functions that require careful attention, namely (i) *the legislation of law or law and rule making*), (ii) *socialization and promulgation*, and (iii) *law enforcement*. In this case the government and the state should pay attention to these 4 important functions in creating law enforcement “with legal certainty”. So that law enforcement is carried out against high-ranking police officers who commit corruption can create a fair and just justice.

Such a procedure should also take into account as Asshiddiqie suggests that, “the law cannot guarantee justice if the material is mostly a legacy of the past which is no longer in accordance with the demands of the times. This means that the problems we face are not only related to law enforcement efforts but also law reform or the making of new laws. Therefore, there are 4 (four) important functions that require careful attention, namely (i) *the legislation of law or law and rule making*, (ii) *socialization and promulgation of law*, and (iii) *the enforcement of law*” [27].

In this case, the internal law enforcers of the National Police must carry out a revolutionary reform in carrying out law enforcement against individual Police personnel who commit criminal acts of corruption. So that the implementation of law enforcement that has legal certainty and provides legal protection and creates a sense of justice in the community can be carried out.

The main problems in implementing law enforcement against police personnel who commit corruption crimes are: from the handling through law enforcement of the many existing cases, none of the results of law enforcement are able to prevent other police personnel from committing criminal acts of corruption.

The high value of the *seduction of crime* from corruption, including a step to provide an umbrella before it rains to face future financial difficulties for themselves and their families, is indeed very instrumental in fertilizing the temptation to commit criminal acts of corruption for unscrupulous police personnel.

In fact, through several brief illustrations of corruption cases involving elements of the National Police, it was found that Polri personnel with lower ranks were sentenced to higher levels than those with AKP, Komjend, and Brigjend ranks. However, there are cases involving police personnel with the rank of Inspector General who are given maximum criminal sanctions. So, the implementation of regulations and law enforcement against police officers who commit criminal acts of corruption also pay attention to their rank. This rank sometimes shows how much achievement has been achieved until they are in that rank. The implementation of law enforcement does not always bring the person concerned to be sentenced to a criminal sentence.

Sometimes, there are some unscrupulous perpetrators who are simply transferred with certain disciplinary actions and punishments. Unless the case has emerged or is known to the public. So, like it or not,

<sup>27</sup> “Law Enforcement”, (On-line), available at [www.jimly.com](http://www.jimly.com), 20 February 2022.

the perpetrators must be subject to appropriate sanctions both internally by the Police, such as being dishonorably dismissed, to giving criminal sanctions.

The implementation of such law enforcement only provides justice and legal protection for the individual concerned. Not for the people or all Indonesian people in general. It is a concept that is feared that it can foster corruption. In addition, sometimes the implementation of law enforcement is carried out through the imposition of criminal sanctions along with disciplinary sanctions and punishments, especially dishonorable dismissals. However, the combination of criminal sanctions with disciplinary sanctions or punishments in the form of dishonorable dismissal is very rarely carried out and published.

Usually, this is done in a closed manner without the knowledge of the wider community so that the public does not know that the Police personnel who have committed the crime of corruption have been subject to punishments and sanctions that apply to them. This public ignorance may worsen their opinion of law enforcement for individual police personnel who commit criminal acts of corruption. In fact, if it is published to the entire public, the public and other police personnel may be “undaunted” to commit the crime of corruption.

If the implementation of law enforcement above is always maintained, this will interfere with the creation of legal certainty. Legal certainty itself really demands law enforcement that uses the law, namely utilizing the law in a pure, consistent and consistent manner. As stated in the sanctions in the legislation on corruption as well as the internal regulations of the Indonesian Police.

### 5. Assessing the Ideal Law Enforcement for Police

Police is one *officium nobile* or respectable profession. Any noble profession will have a bad image in society when it is tarnished by the actions of one of its elements. Although the person concerned who has committed the crime of corruption has been subject to strict sanctions, including dishonorable dismissal and other criminal sanctions.

Law enforcement against police officers who commit criminal acts of corruption must be carried out with more severe sanctions than other general public. However, it seems that this was carried out by taking into account various certain factors attached to the person concerned. Starting from the factors of his achievements so far to the services he has done for the community, nation and state while serving as police personnel.

The ideal law enforcement for police personnel who perpetrate corruption crimes must combine criminal sanctions and sanctions as well as disciplinary

penalties along with dishonorable dismissals which are published in all mass media. In short, such a combination will result in a criminal and social sanction that should have a fear effect on every police officer who wants to commit a criminal act of corruption.

In several court decisions, none of them provided information and considered that the person concerned had received disciplinary punishments from the police institution. Such considerations should be included if the decision wants to reduce criminal sanctions for police officers who commit criminal acts of corruption. Everything has to be taken into consideration before imposing sanctions on unscrupulous police personnel who are caught in the act of corruption.

The idea that there are several “services” and related achievements may be worth considering, however, law enforcement with legal certainty, law enforcement using law, of course, must still be carried out and carried out properly. In this case, the public must also know about it, especially as there is a clause in the internal regulation of the National Police which states that the person concerned is allowed to resign before the dismissal decision is rendered dishonorably. At this point, most people do not know at all. This will actually result in the person concerned choosing to resign rather than accepting dishonorable dismissal.

This fact will also be taken into consideration for unscrupulous police personnel who are then trapped in committing criminal acts of corruption. Because, there is an option to resign rather than being dishonorably fired. Law enforcement that is carried out against individual police personnel who commit criminal acts of corruption uses the applicable law. Both internal regulations for police members as well as external regulations applied to the community and police personnel. However, what has happened is that it tends to benefit the police personnel who commit corruption crimes.

If sanctions are given openly, it will actually improve the image of the Police in the eyes of the public. So, the public will understand and realize that the Polri institution has also enforced the law against all police personnel who commit criminal acts of corruption. Starting from the lowest rank level to the highest even without selective but evenly distributed.

Ultimately, this fact will make every community support as much as possible the efforts to eradicate corruption which is driven by the Indonesian National Police in the Unitary State of the Republic of Indonesia. Especially if this step is carried out through the mechanism of law enforcement by using laws that are in accordance with all the aspirations of the community. Enforcing the law without any intention of enforcing the law will create injustice and there will be



no legal certainty. Law enforcement using the law should indeed be accompanied by the intention to enforce the law itself. Especially for all elements of the Police Personnel who commit criminal acts of corruption.

## **6. CONCLUSION**

Law enforcement that is conducted against police personnel who commit criminal acts of corruption is indeed carried out with the principle of “*enforce the law using the law*” through all existing regulations, however, the sanctions given are never or rarely as much as possible as stated in the law. This fact is actually a law enforcement that does not

wholeheartedly use the law. The implementation of law enforcement against police who commit corruption crimes is normatively carried out by combining the criminal sanctions and internal sanctions, such as dishonorable dismissals by Police institution. The combination of criminal sanctions with such disciplinary sanctions or punishments is very rarely carried out and published. According to the existing laws and regulations, ideal law enforcement for police personnel who commit criminal acts of corruption, must be carried out by prioritizing the combination of the imposition of criminal sanctions, internal sanctions and widely publicized in Indonesian society as social sanctions.