

Problematic between Law Enforcement Case Crime, Breach of Discipline and the Case of Violation of Professional Code of Ethics of the National Police

Yusuf Setyadi^{1*} J Ronald Mawuntu² Wulanmas A. P. G. Frederik² Johnny Lembong²

1. Graduate Student, Program Doctor of Law, Sam Ratulangi University, Manado, North Sulawesi, Indonesia

2. Graduate Programme, Program Doctor of Law, Sam Ratulangi University, Manado, North Sulawesi, Indonesia

Abstract

Problematic in the interpretation of the law enforcement process in the handling of criminal assault and violations committed by members of the police, thus impacting the clash between the provisions of disciplinary rules violations by police professional code of ethics, so it is necessary to identify the problem. In the application of the law enforcement process is often the law enforcement agencies to interpret the clause in the legislation inconsistent with the fact that the problems encountered in the field, resulting in material that has been made into law because once tested does not comply with the subject matter. This condition must be a point of weakness, if you develop a claim or objection of offenders to deny it. There are some things that become problematic in the interpretation of the law enforcement process in cases of disciplinary violations and code of ethics police, among others: the ability and understanding of the statutory provisions, a court would hear a case of violation of discipline and code of ethics police, should study first formerly the docket to be tried in order to gain understanding of matter and kejelesan case material, case of violation of discipline and code of ethics of the police hung and immediately actionable, the application of alternative penalties for offenders with reference to the punishment of the lightest very educational, handling breaches of discipline and code of ethics Police profession must be done with firmness, understanding of law enforcement officials in handling cases of discipline violations and police professional code of ethics is very diverse.

Keywords: Problematic, Law enforcement case crime, Professional code of ethics, National Police

I. INTRODUCTION

The view of society in general judge between discipline and professional ethics at first glance they seem no significant difference, because it involves the personal morality of each person to behave. If each person maintain discipline in work, the subject has also been enforcing a code of ethics profession, and vice versa. I asked both of them as two sides of a coin interconnected, concerned and can not be separated from one another. As a result of a criminal case will be correlated with the problem of breaches of discipline and code of ethics, because a crime is blamed on discipline and professional ethics. Another thing that is important concerning the behavior and the behavior of members of the police, when faced with a criminal offense committed. Every member of the Police who has committed a crime, always take effect on disciplinary violations and violations of the code of professional conduct. Therefore, the criminal offenses, breaches of discipline and code of ethics requires professional handling and proportionate, so touching sense of fairness and legal certainty.

Inside the police organization, three things are governed by the statutory provisions that differ between cases of criminal offenses, breaches of discipline in cases of violation of code of professional conduct. For criminal cases governed by the Criminal Code and Criminal Procedure Code, as well as the general courts. While disciplinary offenses using legal basis in the form of Government Regulation No. 2 of 2003 on the Disciplinary Code for members of the Indonesian National Police, National Police Chief Decree No. 42 of 2004 on Disciplinary Sanctions Dropped in Environmental Police, Chief of Police Decree No. 43 of 2004 on Procedures for the Settlement Discipline Violations national Police and the Chief of Police Decree No. 44 of 2004 on Discipline Hearing Procedures for members of the National Police, as well as Article 27 paragraph (1) of Law No. 2 of 2002 on the Police. While cases of code violations using its legal basis in Article 34 paragraph (3) of Law No. 2 of 2002 on the Police, which mandates setting Police Professional Code of Conduct, which then poured in Police Regulation No. 14, 2011. On Police Professional Code of Conduct and Article 35 paragraph (2) of Law No. 2 of 2002 on the Police, which mandates the establishment of the organization and functioning of the Police Code of Conduct Commission, which then poured in the Police Regulation No. 19 year 2012 on the Organizational Structure and Work Procedure Code of the Police Commission.¹

In many ways, the indications found any criminal cases that the effect of the violations of the code of ethics of the police processed using the provisions of the discipline by inspectors and superiors in the sentence,

¹Explicitly cases of breaches of discipline and code of ethics Police distinguished according to the provisions of each, but in its implementation Anaknya susceptible to interpretation by the law enforcement process, giving rise to polemics and debate

so often raises the question of whether superiors understand the problems of legislation in force, or the examination of false and superiors accept it without giving a correction and so on. Cases of violation of code of ethics and disciplinary offenses occur at the level of the level of the police station in view of members of the police are widely spread in the police in accordance with the level of distribution, where the Police-Police as the spearhead and strong with a large number, the Police were great and the Police were and the Police Headquarters slender as a controller or control of the police as a whole in all parts of Indonesia.

Violations committed by members of the police in carrying out their duties, not the problem select select the type of offense committed, but requires accuracy in imposing sanctions if the offenses committed by the sanctions imposed are appropriate disciplinary violations or violations of the code of professional conduct of the Police. When referring to the legislation in force, is already clear the types of disciplinary violations and violations of the code of ethics police, only requires foresight as an investigator, examiner in determining the provisions will be applied and Anaknya in decisions penal sanctions. The interpretation will be stronger and a tug of war, when a case was faced with a case containing a certain charge, the result of a process of law enforcement is not objective anymore.¹

II. IDENTIFICATION OF THE PROBLEM

Problematic in the interpretation of the law enforcement process in the handling of criminal assault and violations committed by members of the police, thus impacting the clash between the provisions of disciplinary rules violations by police professional code of ethics, so it is necessary to identify the problem. The identification of these problems, as follows:

1. Why are frequent inspection process criminal cases that affect the violation of professional ethics in the cantonal police there was likely to be resolved by using the provisions of the rules of discipline?
2. Why Anka who hear cases of discipline violations and code of ethics does not study his case file in advance as an input for consideration in the implementation of hearing and deciding cases?
3. How can I make the handling of disciplinary violations and violations of the code of ethics police can be carried out in accordance with the mechanisms and procedures are correct, untrammelled by other policies, when faced with criminal cases affecting members of the Police?

III. THEORETICAL ABOUT CRIME, ABUSE, DISCIPLINE AND CODE OF PROFESSIONAL ETHICS

1. Crime

In Dutch criminal law uses the term *strafbaarfeit* or *delict*, or *delictum* (Latin). The criminal law of Anglo-Saxon countries use the term offense or a criminal act. Moeljatno and RuslanSaleh use the term criminal act, while Utrecht use the term criminal events. A. Z. Abidin proposes using the term crime. AndiHamzah said that now all the laws have been using the term crime.²The use of the terms mentioned above, a debate of experts criminal, just because of the different interpretations and opinions. The formulation of the offense is complete according to Simon; threatened with criminal law, contrary to the law, committed by the guilty and responsible for his actions.

The term crime, defined act by a rule of law is prohibited and punishable, provided that in the meantime keep in mind that the prohibition is intended to act (ie a situation or incident caused by the behavior of people), while the criminal threat is addressed to the person causing the incident,³ Offense, delinquency, *delict* (English), criminal acts; offense, An act that is deemed to violate the law or the law where the offender is liable to a criminal conviction for his actions; The action is called a felony or misdemeanor (a criminal). *Klacht delict* (Dutch), a crime that can be dealt with or prosecuted for their complaints or complaints referred to the crime; also called the complaint; *klacht* types *delict*eg adultery, fornication pubescent, adultery by persuasion, humiliation and get women.⁴

2. Discipline

The word discipline in the complete dictionary (English-Indonesian and Indonesian-English) written by Prof. Drs. S. Wojowasito has meant order. ⁵ Rules itself actually contains the rules or conditions that must be obeyed by anyone who is dealing with the order. Provisions regarding the order may be enforced anywhere, which adjusts the circumstances or their respective environments.

Discipline is the feeling obedient and submissive to the values of trust, including doing certain jobs

¹ When faced with two choices, between disciplinary violations and violations of the code of ethics police, then when it takes a flair and precision in applying the article to be presupposed to the offender.

² Andi Hamzah, Principles of Criminal Law, RinekaCipta, Jakarta, 2010, pages 94 and 95.

³ Moeljatno, Principles of Criminal Law, RinekaCipta, Jakarta, 2008, page 59.

⁴ Yan PramadyaPuspa, Law Dictionary, Complete Edition, Bahansa Dutch, Indonesian and English, Arts, Science, Semarang, 1977, page 291.

⁵ S. Wojowasito-W.J.S. Poerwadarminta, Complete Dictionary (English-Indonesian and Indonesian-English), Hasta Bandung, 2007, page 43.

which they are responsible. Disciplinary effort is an attempt to instill values or coercion so that the subject has the ability to obey a regulation. Discipline could be a substitute term for an instrument of punishment and punishment in which this could be done on yourself or on others.¹ Discipline is obedience to the rules and norms life of the community, state and nation force, which carried out consciously and sincerely outwardly and inwardly, causing embarrassment sanctions and fear of God Almighty.²

In a book entitled *The Civil Service Management* gives the sense of discipline can be connoted as a punishment, although the real sense is not so. Discipline comes from the Latin "disciplina" which means training or education modesty and spirituality as well as character development. so the nature of the discipline related to the development of proper attitude towards work.³ In a book entitled *Insights Work of Administrative* stated that the definition discipline is "a mental attitude that is reflected in deeds, behavior of individuals, groups or communities in the form of compliance or adherence to regulations set by the Government or ethics, norms and rules which apply in society".⁴ In addition to some understanding of the discipline mentioned above, in another book titled *Human and Organizational Approaches Toward Employment Development* argues that "Discipline is the impersonal attitude of obedience, do not wear your feelings and do not wear the calculation of personal gain or personal interest."⁵

Discipline is obedience and submission earnest against the rules of discipline members of the Indonesian National Police. It was also stated paraturan discipline members of the police is a series of norms to establish, enforce discipline and maintain order life member of the Indonesian National Police.⁶

While Peter M. Senge in his book "The Fifth Discipline" *The Art and Practice of the Learning Organization*, mentioned discipline as punishment or instruction execution tool, but also a structure of theory and techniques that must be learned and mastered in order to be implemented. Discipline is a development path in order to achieve a certain skill or competence.⁷ There are three important things of that argument, namely discipline as executing instruction, discipline as punishment and discipline as a wake-up theories and techniques to track the development of skills. Understanding Discipline in general, as found in Webster's dictionary: "*Behavior in accordance with the rules (as of late organization) prompt and willing obedience to the orders of Superiors. Systemtic, willing and purposeful attention to the performance of assigned tasks; arderly conduct*".⁸

This quote shows that it is a mental attitude that contains a willingness to abide by the rules and regulations applicable norms in duties and responsibilities. Understanding Discipline in terms of ethics. This was as formulated by John Macquarrie: "*Discipline has two related meaning. It may mean the maintenance of certain standards of conduct through the enforcement of them by Appropriate penalties or it may mean the training of the person so they will conduct Themselves According to given standards*".⁹

From the above definition is implicit three terms, namely as a discipline (1) an act, (2) a willingness and discipline as a (3) the circuit arrangement possessed specific purposes (regulatory system). Understanding Discipline in terms of psychology. James Drever argued: "*Discipline originally Synonymous with education in modern usage the root notion in control of conduct either by an external authority, or by the individual himself... at the same time training and discipline may be distinguished by restricting the letter to self-initiated effort Certain in performing a task, as distinct from Merely going through its performance, in the which case there may be some truth in the doctrine as regards discipline, in the sense of control*".¹⁰

3. Professional Code of Conduct

In the complete dictionary (English-Indonesian and Indonesian-English) mentions the term code has meaning statute books, lesson plans and hieroglyph.¹¹ While the term ethics has a sense of decency.¹² So the sense of professional ethics have a sense of a book law that regulates the morality associated with a specific job. In a book entitled *The Legal Terminology* (English-Indonesian), the term code has the sense of a collection of legal

¹ <http://id.wikipedia.org/wiki/Disiplin>

² D. Soemarmo, *National Discipline Movement*, Mini CV Jaya Abadi, Jakarta, 1995, p. 29-30. Manuscript National Discipline Movement as a result of the working group led by former Defense Minister Edi Sudrajat.

³ I.G. Wursanto, *Personnel Management*, Kenisius, Yogyakarta, 1989, p. 108.

⁴ Wirjo Surachmad, *Work Insight State Apparatus*, Pustaka Jaya, Jakarta, 1993, p. 24.

⁵ US. Moenir, *Human and Organizational Approaches To Development Officer*, GunungAgung, Jakarta, 1983, p.

⁶ Article 1 of Government Regulation No. 2 of 2003 on the Rules of Discipline Members of Indonesian Police. The expression also reinforced in Article 1 of Decision Kapolri 43tahun No. 2004 on Procedures for the Settlement Discipline Violations INP.

⁷ Peter M. Senge, *The Fifth Discipline, Art and Practice Of Learning Organization*, Binarupa Literacy, Jakarta, 1996, page 10.

⁸ A. Merriam Webster, *Webster's Third New International Dictionary BBG*, (Massachusetts: Company Spingfield,

⁹ John Macquarrie (ed), *A Dictionary of Christian ethics* (London: Pres Ltd., 1967), as cited by the National Education Research and Development, p. 24

¹⁰ James Drever, *ADictionrry of Psychology*, (HarmondwortMidlesex: Penguin Books Ltd., 1986), p. 68.

¹¹ S. Wojowasito-W.J.S. Poerwadarminta, *Op. Cit.*, Page 26.

¹² S. Wojowasito-W.J.S. Poerwadarminta, *Op. Cit.*, Page 53.

regulations, while the term ethics has a sense of moral teachings.¹⁹¹ Another opinion, Yan PramadyaPuspa in his book *Law Dictionary (Dutch-Indonesian-English)* illustrated in the example code civil, civil law, code penal, law, code de commerce and so on, whereas *ethiek* (Dutch) and *ethics* (English) has a sense of decency.²

Moral is the foundation and the base in the running or childbirth profession. In carrying out the profession, in order to remain in the framework of moral values necessary rules of conduct (code of conduct) in the form of ethics. Moral concerns the goodness, therefore, simply be equated moral goodness of man or human kindness. Moral contains two aspects, namely the inward and outward.³

Moral concept is often used synonymously with ethics. Behind these two terms, the implied character of the two traditions of thought are very different moral philosophy. Aristotle, for example in describing his theory of moral use the term *ethe* (the Greek) which means the good and bad of a trait (crime or virtue). The word refers to the good and bad moral man associated with his actions, his attitude and how to express it. Moral try to answer the question: What should be done? Moral concept contains two meanings: 1) the overall rules or norms, accepted by a given society as a direction or guidance in action, and expressed in terms of good and bad; 2) the discipline of philosophy that reflects on such rules within the framework of searching for grounding and goals finality. Understanding the latter is closer to the use of the concept of ethics.⁴ Ethics provides a strong base or foundation, in addition to the main charges in forming a code of ethics. For example, ethics provide a powerful basis or reference for the preparation of code of conduct. Based on ethical conduct, then can be made code of professional conduct. Therefore, between ethics, code of conduct and code of ethics can not be separated.⁵ In a book entitled "*Ethics Every Leader Should Know*", mentions are really only two critically important things about ethics, the first standards to be followed and the will to do so.⁶ This opinion suggests that any leader must have to know and understand and be able to apply ethical standards, such as the code of professional conduct, because both of these is an important requirement in the implementation of organizational ethics.

The code of ethics is a system of norms, values and professional rules written expressly stating what is right and good, and what is not right and not good for the professional. The code of conduct states what actions are right or wrong, what actions should be done and what should be avoided. Interest professional code of conduct which is to provide best services to users or customers. With the code of conduct will protect acts that are not professional.⁷

The code of ethics is the guiding decency police to police officers what to do, what not to do which is rated as propriety. Appropriateness ratings are based on law, religion, norms, moral, cultural values, local wisdom, humanity. The approach of the police code of conduct include:⁸

1. Guidance or instructions to do right against the State, community, institution or the police, and as a person as a police officer: A. Police as a life guard; B. Police as builders of civilization; C. The police as heroes of humanity.
2. The procedure for enforcing the code of conduct. Enforce the code of conduct is not merely a crack or punish, but also relates how these codes can be implemented and become guidelines for police officers.

The code of conduct is a statement that is manifested as rules, moral usually written made by his organization, the values are used as a guideline, the emphasis it is on is not for the benefit or advantage badi himself but the service and the satisfaction of being served, Code of conduct ensure competence in providing assurance of high quality services *kulaitasnya*, and since the code of conduct is a guarantee of loyalty and devotion to work and honor her.⁹

The purpose of creation and imposition of a code of ethics police for members of the police, is that members of the police not to use culture and cultural values of each as a reference act as police officers, but using a culture of police in the tasks of policing them. Police also created a code of ethics and applied to members of the Police Department to ensure the quality of work or the quality or professionalism of police officers in the duties of the police service to the citizens, the community, the public and the wider community.¹⁰

¹ I.P.M. Ranuhandoko, *Legal Terminology (English-Indonesian)*, SinarGrafika, Jakarta, 2008, pages 135 and 262

² Yan PramadyaPuspa, *Law Dictionary (Dutch-Indonesian-English)*, Arts, Sciences, Semarang, 1977, pages 219-220 and 358 pages

³ Sadjijono, *Ethics of the Legal Profession*, LaksbangMediatama, Yogyakarta, 2008, page 9

⁴ John Pieris, *Ethics and the Law Enforcement Code of Professional Ethics (Advocate)*, BPHN-Depkumham RI, Jakarta, 2008, pages 30-31.

⁵ John Pieris, *Op. Cit.*, Page 48.

⁶ John C. Maxwell, *Ethics Every Leader Should Know*, Libri, Jakarta, 2011, page 19.

⁷ Dewi Nurbaiti, writing *Definition of Ethics, Code of Conduct and Professional Ethics Code Function* uploaded via the internet: <http://cyberlawncrime.blogspot.com/2013/03/pengertian-etika-kode-etik-dan-fungsi.html>

⁸ Chryshnanda DL, *Implement Correctly: Code of Conduct of Police (Journal of Indonesian Police, XVI Edition / May 2012)*, pages

⁹ Parsudi Suparlan, *Code of Conduct for Supporting Professionalism Police (Astra Magazine No.108 of 2007)*, page 8.

¹⁰ Parsudi Suparlan, *Loc. Cit.*, Page 8.

IV. PROBLEMS IN BETWEEN CASE LAW ENFORCEMENT CRIME, ABUSE DISCIPLINE AND POLICE PROFESSIONAL CODE OF CONDUCT

There are two important issues that may affect the interpretation in applying clauses berkaitan with proceedings disciplinary violations and cases violations of the code of ethics police, namely the understanding of law enforcement officials in identifying the problem and statutory provisions that govern it, because it requires elaboration of detail. Both of these, will be problematic in the interpretation of the law enforcement process.

1. Capacity of Law Enforcement Officials

In the process of law enforcement participate from beginning to end when handling cases of discipline violations and violations of police professional code of ethics, including Investigator, Investigator, Ankum / Ankum Commission Session and Tops. Of the many roles of law enforcement, of course, has many obstacles that it faces. To that end, the description of the obstacles, will be reviewed in the picture, as follows:

a. Investigator

Investigators are the first law enforcement officers in conducting the collection of information material, played by internal security units (paminal) function security profession (Propam) Police related to the indication of the alleged cases of discipline violation or violations of the code of professional conduct of the Police. The results of the implementation of this investigation, will greatly affect the next process, which is in the process of examination. Accurate investigation supported by valid evidence and convincing, will determine in the next case handling process. Exploratory activities will be vulnerable to contamination by certain interests, or lack the ability to explore a case so the results are not optimal.

The activities carried out by the investigation unit has the specific Paminal on things that are internal police, especially concerning their deviant behavior committed by unscrupulous members of the police. Deviant behavior by members of the police, can be a disciplinary offense or violation of the code of conduct, even criminal acts. If there is any indication of further criminal acts, coordinated with the function of Criminal Investigation to handle the case of a criminal aspect.¹

b. Examiner (accrediting)

The inspection process is a series of follow-up of the results of the investigation by the Inspector dilakaukanProvos for discipline violation cases and the Examiner or accrediting Wabprof for cases of code violations of professional conduct of the Police. The inspection process required an understanding of the ability of the statutory provisions, so as not to be mistaken in applying the article alleged. Understanding in distinguishing cases of discipline violations and violations of the code of conduct should really have a good reason, so it is not easy to disputed.

A policy that stated that the handling of a case in which there is no violation of discipline and violation of code of ethics police, then should not be processed both but have the most ease, consequently lot of case handling discipline an alternative choice in imposing penalties against unscrupulous members of the police who commit violations , The phenomenon that makes the individual members of the Police pampered with light enforcement process, so that no deterrent for offenders. As stipulated in Article 27 (1)

Perkap No. 14 of 2011 on the Code of Professional Police, which states: "In case of a violation of cumulative between the breach of discipline and code of ethics Police (kepp), enforcement is done through the mechanism of disciplinary hearings or committee meetings ethical code Police (KKEP) under consideration Tops Ankum examinee / Alleged offenders as well as the opinions and legal advice bearers legal functions ".

c. Bosses were sentenced (Ankum)

Bosses who are entitled sentence (Ankum) of the examinee or the Assembly Commission alleged infringer can be played as a judge in deciding a case of breach of discipline or professional code of ethics violation cases police. It is unfortunate, is the relationship between Ankum by the examinee or suspected offenders, the closeness of the working relationship so that there is an emotional connection. Therefore, psychologically aAnkum will not bear to inflict severe punishments to the examinee or the alleged infringer as subordinates, unless there is an element of personal grudges between superiors and subordinates.

Busyness is a Ankum in the execution of the task, sometimes ignoring the trial, so many things that are hung, because it does not immediately stand trial resulting in the absence of a clear legal certainty. Not empower Ankum limited and very restricted to prosecute cases of discipline violation, it can also affect the stacking of the case, even though limited and very limited Ankum qualified in deciding the case in the trial.

d. Tops Ankum

Tops Ankum the decision-makers in the dismissal or retaining members of the Police expressly governed by Article 15 and 16 of Government Regulation No. 1 of 2003 concerning Termination Indonesian National Police.Role to propose the dismissal or retain members of the police into areas of authority and domain Bureau

¹ Penyelidikan yang dilakukan oleh Paminal lebih bersifat pada penelitian personel Polri yang terindikasi melakukan pelanggaran, baik pelanggaran disiplin maupun kode etik profesi Polri. Apabila ditemukan ada unsure tindak pidana, maka akan dikoordinasikan dengan fungsi Reskrim

of Human Resources for the cantonal level. Many cases violations of professional ethics of the police has been recommended in the decision of the trial for Dismissal With Regards (PTDH), but not yet implemented by issuing the Decree, due to various considerations. This can give rise to polemics, because they lack legal certainty.¹

2. Understanding of legislation

Aspects of the legislation that do not provide specific and clear, of course, can affect the law enforcement officers can memberikankan different interpretations in handling a case of discipline violations and violations of the code of professional conduct of the Police. The substance of the legislation governing implicitly certainly susceptible to the interpretation of the law, among others:

a. Disciplinary actions have not been uniform

Giving sentencing disciplinary action is made directly against a relatively light disciplinary violations. Disciplinary action in the form of corporal punishment directly against breaches of discipline that do not have standards, so it is feared spelled differently. The occurrence of corporal punishment, sometimes creating a complaint, such forms of excessive violence that can lead to a violation of human rights.

b. The ability of understanding the criminal law, disciplinary rules and code of ethics police still low

The ability of understanding members of the police for the rule of criminal law, disciplinary rules and rules of professional ethics police felt still low, so many members of the police are likely to commit a crime / criminal, disciplinary violations or violations of professional code of ethics police. The low ability, due to a lack of willingness to learn to understand the regulation, which is actually very important because it filters and fencing for police officers so that its behavior is always awake and avoid acts of criminal or disciplinary offense and police professional code of ethics.

c. The punishment meted out first before the hearing held

In many ways the policies often appear suddenly in nature can be classified as a penalty, such as mutation and demotion, because there is not the usual mutation category. This condition is often questioned by members of the police who did not know anything, then moved improperly, so he felt no awkwardness and something that harmed. Things like this are usually done more quickly for the sake of mere policy, while the problem that has yet to be prosecuted, so polemical.

d. Organ enforcement professional codes of conduct are not in the police station level

In the organizational structure to function Propam Police at the regional, the organ that handles cases of professional code of ethics police only at the level of Police, namely SubbidWabprof Field Propam while the level of Police and the Police no organnya, but the police personnel and the police are given training in accrediting the able to handle cases of violation of code of professional conduct of the Police. This condition, of course, is a dilemma between the organizational structure with the scope of work, because it is not accommodated within the organizational structure.

e. Discriminatory in case handling

In case handling of disciplinary violations and violations of the code of ethics police, they should find a difference in treatment between one and the other. The treatment difference, of course, cause jealousy for those who feel aggrieved. The belief in the handling of the same case, but the sentence imposed sanctions vary. Differences in the provision of penal sanctions has an impact on the dissatisfaction felt by the offender, a sense of injustice untouched.

Consciously or unconsciously impressed there are still differences in treatment do infringement case handling between subordinates and superiors, so this problem is often the question arises mainly from the lower level offenders often receive a heavier sentence. As an example of the same offenses committed between superiors and subordinates, but the penal sanction received by subordinates more severe, and sometimes even used as a scapegoat subordinates and superiors merry way without being touched punishment. Therefore, not to place a play which mentioning law under sharp but dull above.

V. EFFORTS TO OVERCOME PROBLEMS IN BETWEEN CASE LAW ENFORCEMENT CRIME, ABUSE CASE DISCIPLINE AND PROFESSIONAL CODE OF CONDUCT VIOLATIONS CASE IN ENVIRONMENTAL POLICE

In order to avoid different interpretations of the law when handling disciplinary offenses dank ode of ethics police, it takes concrete steps for the function of Profession and Security (Propam) Police may be authorized by law in dealing with internal problems within the police force, in particular ode dank disciplinary violations of professional conduct of the Police. The steps include:

¹ Ankum known in handling cases of breaches of discipline, while the Chairman of the Commission are known in the handling of cases of violation of the code of professional conduct of the Police. Keankuman known there are three categories, namely full Ankum, Ankum limited and Ankumvery limited.

1. Authority law is upheld

In handling cases of discipline violations and violations of the code of ethics police, needed legal authority for police Propam function, both at central and regional level. Authority of the law is important as a gateway in the process of handling cases of violations, before the case is raised in the proceedings. Authority of the law that need to be built and maintained by the Propam functions, including:

a. The independence of the profession of security functions (Propam)

Police Propam function independence in handling cases of discipline violations and violations of the code of ethics police should be reconsidered, in order to avoid various interventions from various parties who have vested interests. The independence, should put the function of the police Propam free of attachment and dependence on other functions, thus completely independent in carrying out and not easily intervene.

b. Anjum who hear understand the rules

In the case hears disciplinary cases and police professional code of ethics requires the ability superiors in imposing a sentence really understand the applicable legal rules. Ability to understand the legislation are necessary, in order to Anjum in leading the session will be confident and have no hesitation because the material master trials. Training and education related to the functioning of justice in the trial of the case should be the agenda that must be followed by Anjum.

c. Adequate legal instruments

The rule of law is still weak and should be revised to adjust to the provisions that are universal, such as sanctions in disciplinary action should be no human rights violations for the student members of the Police in educational institutions or subordinates who commit disciplinary offenses. The rule of law must be firm and not easy to interpret, so that the rule of law are strong and not easily sued or complained of other parties. The rules that overlap be revised and refined, that is unambiguous in its application.

d. Development of the field of law

Development of physical law sector in supporting the law enforcement process to procure a complete infrastructure, so as to provide comfort for those seeking justice. Completeness of infrastructure in the development of the law, it will also affect psychologically and positive for its own law enforcement officers in their duty to uphold justice. Besides the construction of the laws in the field of human resources (law enforcement agencies), as concerns the integrity, profesionalita and capabilities.

2. Their goodwill national police leadership

The willingness, determination and good faith of the top leadership of the police in establishing the rule of law in the police internal environment, particularly in addressing the judge actions of discipline and code of professional conduct committed by unscrupulous members of the police. Willpower, determination and good faith that must be realized in the form of:

- a. Budget support is sufficient in assisting the law enforcement process actually realized as evidence, so as not to become an obstacle in the formation and operation.
- b. The facilities available to support law enforcement, such as operational vehicles in the activities of the investigation of a case, examination of the scene, bringing individual offenders and evidence, and the proceedings of its own with a complete fsilitas so that the proceedings can be solemn and comfortable.
- c. Continues to provide encouragement and encouragement to institutions that serve to law enforcement and never differentiate with other functions.

3. Fundamental changes as a legal breakthrough

It takes a fundamental change in the demands for reform, especially in law enforcement (law enforcement) to touch the root of the problem, especially the changes in behavior and thinking to build law enforcement officers. Fundamental changes concerning the behavior and the mind, supported by other changes as a counterweight, as mandated in the era of reform that demands a change in the structural aspect (judiciary internal independent), instrumental (revision of legislation and legal products that are reliable) and cultural (changing habits and behaviors regarding culture set and mind set in the frame of a mental revolution).

VI. CONCLUSION

In the application of the law enforcement process is often the law enforcement agencies to interpret the clause in the legislation inconsistent with the fact that the problems encountered in the field, resulting in material that has been made into raw because once tested does not comply with the subject matter. This condition must be a point of weakness, if you develop a claim or objection of offenders to deny it. There are some things that become problematic in the interpretation of the law enforcement process in cases of disciplinary violations dank ode of ethics police, among others: the ability and understanding of the statutory provisions, Anjum would hear a case of violation of discipline and code of ethics police, should study first formerly the docket to be tried in order to gain understanding of matter and kejelesan case material, case of violation of discipline and code of ethics of the police hung and immediately actionable, the application of alternative penalties for offenders with reference to the punishment of the lightest very educational, handling breaches of discipline and code of ethics Police

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