



Overview of the Accountability of the Professional Code of Ethics for Investigators Who Commit Physical Violence in the Investigation Process

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Abstract

This research was conducted to find out the service ethics of the Indonesian National Police profession in the investigation process as professional law enforcement officers, and to find out the professional code of ethics accountability for investigators who carry out physical violence in the investigation process. This research is a normative legal research, using the method of legislation approach and conceptual approach. This research shows that the ethics of the Indonesian National Police is very influential in order to realize the National Police as a professional law enforcement officer who is able to meet the needs of the people who require professional services, the police who commit violations will be examined and sanctioned according to the violations committed. The National Police are required to master the technique so that no action occurs outside the legal corridor.

Keywords: Code of Ethics; Violence; Investigation

Introduction

1. Background

The fairest law enforcement in Indonesia has always been a very important concern for the community. It cannot be denied that in a variety of law enforcement efforts that are as fair as possible in Indonesia it cannot yet be carried out as a whole, given the large number of legal practices that are not in accordance with what should be done.

In Article 28D Paragraph (1) of the 1945 Constitution affirms that “everyone has the right to recognition, guarantee, protection and fair legal certainty and equal treatment before the law”. This shows that the 1945 Constitution upholds human rights and guarantees all citizens together in the law with no exceptions. But the enforcement of justice and legal certainty in a country is very difficult to enforce properly and correctly, because to uphold the law depends on the appreciation and understanding of the

law by law enforcers against the applicable law, and also depends on the moral integrity of law enforcers¹.

In Indonesia it has become one of the duties and responsibilities of the Indonesian National Police institution as law enforcement officers. The National Police are required to be able to act professionally in carrying out their functions, both as community protectors and in upholding the law in criminal justice systems in Indonesia and are the frontline for enforcing the law in accordance with existing rules.

Deviant behavior carried out by individual police investigators against suspects often occurs in the investigation process, some of which are physical violence (persecution) or non-physical (intimidation). Whereas the position of suspects in the criminal justice system in Indonesia is based on the Criminal Procedure Code (KUHAP), legally obtaining recognition of their rights as contained in Article 50 to Article 68 of the Criminal Procedure Code, which was not previously found in the old criminal procedure law (HIR).²

Various rights of suspects or defendants included in the Criminal Procedure Code are intended to be used as guidelines for investigators in carrying out their duties and authorities in order to achieve legal certainty and justice that uphold human rights. But in the investigation process, the rights of suspects are often violated by investigators, the use of violence by investigators to get confession of suspects is often heard in, both print and electronic media. Even though the Criminal Procedure Code (KUHAP) regulates the procedures for how state instruments (police, prosecutors, and courts) must act if violations occur.³ As specified in Article 52 of the Criminal Procedure Code (KUHAP), this determines that:⁴

“In examinations at the level of investigation and trial, suspects or prosecutors have the right to give information freely to the investigator or judge.”

In the explanation of Article 52 of the Criminal Procedure Code it reads as follows:⁵ “In order for the examination to achieve results that do not deviate from the truth, the suspect or the preacher must be kept away from fear. Therefore it must be prevented from coercion or pressure on suspects or defendants. “

Reaffirmed in Article 117 of the Criminal Procedure Code, which stipulates that:⁶

“The information of the suspect and / or witness to the investigator is given without pressure of any kind and / in any form”.

The existence of investigative activities carried out in a non-procedural manner such as acts of violence and threats carried out by investigators against suspects, then to find out what accountability can be applied to investigators who commit violence in the investigation process, the authors consider it necessary to review so that actions those outside the procedure of investigation can be minimized in order to achieve legal certainty and justice that uphold human rights.

¹ Sultan Remy Sjahdeini et. All., *Penegakan Hukum Di Indonesia*, Penerbit Prestasi Pustaka, Jakarta 2006, p. 123-124.

² *Ibid*, p. 83.

³ Eddy O. S. Hiariej, *Hukum Acara Pidana*, First edition, Publisher Universitas Terbuka, Tangerang Selatan, 2015, p. 1.5

⁴ Indonesia, Law on Criminal Procedure Law, Law No. 8 of 1981, LN. No. 76 of 1981, TLN No. 3209, Article 52

⁵ Gerry Muhamad Rizki, *KUHP & KUHAP*, Full Edition, Publisher Permata Press 2008, Explanation Article 52.

⁶ Indonesia, Law No. 8 of 1981, *Op.Cit.*, Article 117

2. Formulation of the Problem

Based on the background above, it can be concluded that the problems to be discussed are: First, how do police investigators use professional service ethics in the investigation process as professional law enforcement officers. Second, what is the professional ethics code for investigators who carry out acts of physical violence in the investigation process?

Research Methods

In conducting research, it takes steps to learn, analyze, and understand the problems to be studied. The steps in question are all forms of effort from researchers to be able to solve problems raised by researchers.

1. Type of Research

The type of research used is normative legal research, namely reviewing the law that has been conceptualized as what is written in legislation and / or law that is conceptualized as a rule or norm which is a standard of human behavior that is deemed appropriate.

2. Approach Method

The methods of approach used in conducting this research are: 1). The Legislation Approach (*Statua Approach*) is a type of approach with reference to legislation rules that have to do with the problem under study. 2). Conceptual Approach Namely reviewing theory, literature, the views of legal experts that have to do with the problems to be studied.

3. Sources and Types of Legal Materials

In the normative approach legal material is needed. Legal materials to be used are: 1). Material of Primary Law, namely binding legal materials. Primary legal material in this study is Law No. 8 of 1981 concerning the Criminal Procedure Code, Regulation of the Chief of Police No. 14 of 2011 concerning the Professional Code of Ethics of the Republic of Indonesia National Police. 2). Secondary Legal Materials, namely legal material that provides an explanation of primary legal material, which consists of official documents, books and the results of tangible research, journals, theses, theses and opinions of legal experts. 3). Tertiary Legal Materials, namely materials that provide instructions and explanations for primary and secondary legal materials, such as legal dictionaries, Large Indonesian Language Dictionary, etc.

4. Legal Material Collection Techniques

The legal material collection technique in this study is to use literature studies, namely collecting legal material which includes primary legal materials, secondary legal materials and tertiary legal materials that have a relationship with the research topic to be studied.

5. *Legal Material Analysis*

After the data collected is then analyzed by reviewing it again and reviewing various opinions of experts and the principles of law in legislation by using the deductive method which is the process of reasoning from general statements to special by connecting the existing reality, in order to solve the problem to be studied, so that a logical conclusion can be drawn from the problem under study.

Discussion

1. *Polri Investigators Use Professional Service Ethics in the Investigation Process as Professional Law Enforcement Officers*

a. Definition of Police Investigators

In the provisions of Law No. 8 of 1981 concerning the Criminal Procedure Code, Article 1 number 1 provides a clear understanding of what is meant by the investigator, which reads as follows:⁷

“Investigators are state police officers of the Republic of Indonesia or certain civil servants who are specifically authorized by law to conduct investigations.”

A state police official of the Republic of Indonesia in order to be given a position as an investigator, it must meet the rank and appointment requirements as specified in Article 2A PP No. 58 of 2010 concerning Amendments to PP No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code which determines:⁸

- 1) To be appointed as an official of the National Police of the Republic of Indonesia investigator must meet the following requirements: a). The lowest rank of Inspector Two Police and the lowest educated undergraduate or equivalent degree. b). Serving in the field of investigation functions for a minimum of 2 (two) years. c). Following and passing education in the development of special criminal investigation functions. d). Physical and spiritual health as evidenced by a doctor's certificate and e). Have high ability and moral integrity.
- 2) Investigators as referred to in paragraph (1) are appointed by the Head of the National Police of the Republic of Indonesia.
- 3) Authority to appoint as referred to in paragraph (2) may be delegated to officials of the Republic of Indonesia National Police appointed by the Head of the Indonesian National Police

⁷ *Ibid*, Ps. 1 number 3

⁸ Indonesia, Government Regulation concerning Amendments to Government Regulation No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code, PP No. 58 of 2010. LN No. 36 of 1983, TLN No. 3258, Ps. 2A.

b. The Investigation Process by the National Police

The investigation process is one of the duties and authorities of the Indonesian Police in law enforcement in Indonesia. This is in accordance with the provisions of Article 1 point 2 of the Criminal Procedure Code which reads:⁹

“Investigation is a series of investigative actions in terms of and according to the method stipulated in this law to find and collect evidence that with evidence that makes light about the crime that occurred and to find the suspect.”

This means that the action of the investigations carried out by investigators focused on the action “to find and gather evidence to find the suspect”.

In Article 7 paragraph (1) investigators of the state police of the Republic of Indonesia because of their obligations have the following authorities:¹⁰ a). Receive reports or complaints from a person about a crime; b). Take the first action when on the scene; c). Order to stop a suspect and examine the suspect's personal identification; d). Carrying out arrest, detention, search and seizure; e). Conduct inspection and seizure of letters; f). Taking fingerprints and photographing a person; g). Call people to be heard and examined as suspects or witnesses; h). Bring in experts who are needed in connection with the case examination; i). Hold a termination of investigation; j). Conduct other actions according to the law that are responsible.

In the case of conducting other actions according to the law responsible as referred to in article 7 paragraph (1) letter j above, it can be seen in the explanation of KUHAP article 5 paragraph (1) letter a number 4, which reads:

What is meant by “other actions” is the action of the investigator for the purpose of investigation with the following conditions: a). Not against a law. b). In harmony with the obligation is not what requires the taking of office actions. c). The action must be appropriate and reasonable and included in the office environment. d). For proper consideration based on compulsion. e). Respect for human rights.

From the description above, that the police investigating officials in conducting investigations about the criminal acts that occur must pay attention to the provisions contained in the Criminal Procedure Code. The obligation of investigators above is a reflection of protecting human rights, and the principle of presumption of innocence contained in Article 8 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power and General Explanation of Criminal Procedure Code item 3c, which mention that:¹¹

“Anyone who is suspected, arrested, detained, prosecuted and / or confronted before a court hearing must be considered innocent until a court ruling states his guilt and obtains permanent legal force.”

This means that in carrying out their duties and authority must be in accordance with the law which becomes their respective legal basis, the investigator is obliged to uphold the applicable law, this provision is in accordance with Article 7 paragraph 3 of the Criminal Procedure Code. It means giving

⁹ Indonesia, Law No. 8 of 1981, Op.Cit., Article 1 number 2

¹⁰ *Ibid*, Article 7 paragraph (1)

¹¹ Gerry Muhamad Rizki, *Op. Cit.*, General Explanation, p. 312

authority to investigators is not based on power but based on their duties and responsibilities as law enforcement officers.

The lack of understanding of the police apparatus on legislation and the provisions that apply in carrying out their duties and functions often lead to new conflicts and problems. As reported from electronic media and from issues that were heard from the community, there were many heard and reported cases of intimidation, violence or torture that occurred in the investigation process carried out by police officers to obtain recognition or information needed to achieve legal certainty.

Case Example: Decision No. 2588 K / Pid.Sus / 2010.

One of the cases of the use of violence by investigators in the investigation process was examined at the level of appeal by the Supreme Court in Decision Number 2588 K / Pid.Sus / 2010. Those who consider “continue to acquit the defendant” as the verdict of the district court Sidikalang, Number 33 / Pid.B / 2010 / PN-Sdk. In consideration of the panel of judges in the form of “statement of the Defendant who explained that he confessed in the Minutes of Examination (BAP) for being persecuted and threatened by a gun by the Investigator”¹² and “The defendant revoked all his information in the BAP because it was based on pressure / coercion from the police investigator.”¹³

c. *Case analysis*

From the brief description of the case, what was done by the police to the suspect was not in accordance with the principle of presumption of innocence stated in KUHAP General Explanation point 3c, which states that “Everyone suspected, arrested, detained, prosecuted and / or faced before a court hearing must be considered innocent until a court ruling states its guilt and obtains permanent legal force.”

The action of the police in this case has placed the suspect guided by the principle of inception (inquisitoir) which means that the suspect is seen as an object, this principle of inclusion (inquisitoir) is in accordance with the view that the recognition of the suspect is the most important evidence, so that suspects are often carried out with acts of violence or abuse. Even though this principle has been abandoned. In line with that, the system of proof that the evidence in the form of acknowledgment was replaced with “the defendant's statement”, as well as the addition of evidence in the form of “expert testimony”.¹⁴

To compensate for changes in the evidentiary system, the suspect must be placed on a human position that has dignity and must be judged as a subject, not as an object. The criminal act of the suspect who is the object of the investigation, because the suspect must be considered innocent until a court decision that has permanent legal force is obtained. The National Police as a State institution that has the duty as a law enforcer is increasingly demanded to master aspects of legal engineering and auxiliary sciences for criminal proceedings.¹⁵

¹² Lihat Putusan Nomor 2588 K/Pid.Sus/2010, hlm. 9

¹³ *Ibid*, p. 10

¹⁴ Andi hamzah, *hukum acara pidana indonesia*, Edisi Kedua, Penerbit Sinar Grafika, Jakarta, 2008, p. 25

¹⁵ *Ibid*, p. 25

2. **Professional Police Service Ethics in the Investigation Process**

Police Ethics is very much needed to realize the implementation of tasks that are charged to achieve the professionalism of the National Police. Law enforcement by police investigators will work well, if law enforcers are disciplined and act professionally. The lack of discipline and unprofessionalness of a member of the national police investigator will greatly impact law enforcement and disclosure of crimes that occur in the community.

A police officer in carrying out his duties has a legal corridor that must be obeyed, and formally regulated in the procedures for carrying out investigative duties. This means that an investigator is bound by the laws and regulations and the applicable provisions in carrying out his duties and authority, with reference to the laws and regulations and the Professional Code of Ethics of the Republic of Indonesia National Police, the opportunities for deviation or abuse of authority will not occur.

The police professional ethics is a guideline for police members who provide certain limits for the police in carrying out their duties and authority. With the norms contained in the Polri Professional Code of Ethics which are formulated in the Kapolri Regulation No. 14 of 2011, it has a binding power and high moral values that serve as guidelines for Polri members to behave in accordance with moral values, in order to realize the Indonesian National Police as professional law enforcement officers who are able to meet the needs of the people who need professional services.

3. **Responsibility in the Code of Professional Ethics for Investigators Who Carry Out Actions of Physical Violence in the Process of Investigation**

a. *Responsibility*

A concept related to the concept of legal obligation is the concept of legal responsibility. "A person is said to be legally responsible for a particular act is that he can be subject to a sanction in the case of acts that are contrary to the law." This means that a new person can be held accountable if he has an error and the error is against the law.

In order to find out the form of error that can be held legally accountable, the following elements of the error in question:¹⁶

1. The ability to be responsible to the perpetrator, in the sense that the soul of the perpetrator must be healthy and normal;
2. There is an inner connection between the perpetrator and his actions, whether in the form of *dolus* (intentional) or *culpa* (negligence);
3. There is no forgiving reason that can delete errors (*schulduitsluitingsgrond*).

¹⁶ Umi Enggarsasi, *Pertanggung Jawaban Pidana Korporasi Dalam Kejahatan Ekonomi*, Edisi Januari, Jurnal Perspektif Volume VII No. I Tahun 2002, p. 20.

According to Moeljatno that for the ability to be responsible there must be:¹⁷

- a) Ability to discriminate between good and bad actions, according to law and against the law (factors of reason or intellectual factors, which can distinguish between actions that are allowed and those that are not).
- b) Ability to determine his will according to conviction about the good and bad of the deed (volitional factor), which can resolve his behavior with conviction on which is allowed and which is not).

From the above, giving sanctions to a person is not enough only if the person has committed an act that is contrary to the law or an act that is against the law, but also must be seen the elements of his mistake so that he can be held legally accountable.

*b. Superintendent of the National Police Professional Ethics
National Police Commission (KOMPOLNAS)*

The Indonesian Police Commission based on Article 2 paragraph (1) of Presidential Decree Number 17 of 2011 concerning the National Police Commission (hereinafter referred to as the National Police Office) is a non-structural institution which in carrying out its duties and authorities is guided by the principles of good governance.

In the General Principles of Good Governance (AAUPB) are ethical values that develop and live within the state administration. These values are used ... as a handle for him when carrying out his functions ... and can be used as a basis for determining whether an official's actions are correct or not.¹⁸

Kompolnas Membership Composition consists of, the Government as many as 3 (three) people, as many as 3 (three) Police Experts and 3 (three) Community Leaders. The membership composition is in accordance with Article 14 of Presidential Regulation No. 17 of 2011 concerning the National Police Commission.

Kompolnas carries out a functional oversight function on the performance of the National Police to ensure the professionalism and independence of the National Police. The implementation of the supervisory function is carried out through monitoring and evaluation of the performance and integrity of members and officers of the National Police in accordance with the provisions of legislation, this is in accordance with Article 3 of Presidential Regulation No. 17 of 2011.

In receiving suggestions and complaints from the public regarding the performance of the police and submitting them to the President, Kompolnas can carry out activities according to the provisions of Article 9 and Article 10 of Presidential Regulation No. 17 of 2011 concerning the National Police Commission, which reads:¹⁹

Article 9

In receiving suggestions and complaints from the public regarding the performance of the police and submitting them to the President, Kompolnas can carry out activities: a). Receive and forward community

¹⁷ Moeljatno, *Asas-Asas Hukum Pidana*, Cetakan Kedelapan, Reneka Cipta, Jakarta, 2008, p. 178-179

¹⁸ The Organizational and Persona Legal Responsibility System of the Republic of Indonesia National Police. www.academia.edu (accessed on 12 November 2015).

¹⁹ Indonesia, Presidential Regulation of the Republic of Indonesia concerning the National Police Commission, Presidential Regulation No. 17 of 2011, Art. 9 and 10

suggestions and complaints to the National Police to be followed up; b). Request and / or together with the National Police to follow up on community suggestions and complaints; c). Clarifying and monitoring the follow-up process on community suggestions and complaints made by the National Police; d). Request a re-examination or additional examination of the checks that have been carried out by the National Police internal control unit against members and / or Polri Officers suspected of violating professional discipline and / or ethics; e). Recommend to the National Police Chief, so that members and / or Polri officials who violate discipline, professional ethics and / or are suspected of committing a criminal act, are processed in accordance with the provisions of the applicable legislation; f). Following the title of the case, the Discipline Session, and the Commission Meeting on the Police Professional Ethics Code; g). Following the examination of alleged violations of discipline and code of ethics carried out by members and / or Polri Officers.

Article 10

Requests for re-examination or additional inspection as referred to in Article 9 letter d, are carried out if: a). There is new evidence or information which in the previous examination by the internal police monitoring unit has not been clarified; b). The results of the examination by the Polri's internal supervisory unit are considered to be incompatible with the mistakes made by members and / or Polri Officers examined.

Professional and Security Division (Divpropam)

The Division of Professional and Security abbreviated as Divpropam is an element of supervisors and assistants to the leadership in the field of professional accountability and internal security under the Police Chief. Divpropam is in charge of fostering and carrying out the functions of professional accountability and internal safeguards including the enforcement of discipline / order in the National Police environment as well as the service of public complaints about the irregularities in the actions of Polri / PNS Polri members.

PROPAM in carrying out its duties has obligations, namely:²⁰

- 1) Carry out research registration on the process of handling cases and prepare rehabilitation processes / decisions for members / National Police Civil Servants who are not proven to commit violations, or forgiveness / sentence reduction (discipline / administration) and monitor, assist the process of carrying out sentences and prepare termination decisions for personnel who is / has carried out a sentence (convict).
- 2) Guidance and implementation of the functions of professional accountability which includes the formulation / development of professional standards and codes of ethics, evaluation/accreditation of the application of professional standards, and the development and enforcement of professional ethics including investigative audits (identifying and disclosing fraud or crime).
- 3) Guidance and implementation of internal security functions, which include safeguarding personnel, material, activities and information materials, including investigations of violations/suspected violations / irregularities in the implementation of the duties of the National Police at the central level within the specified authority limits.

²⁰ The Organizational and Persona Legal Responsibility System of the Republic of Indonesia National Police. www.academia.edu (accessed on 12 November 2015).

- 4) Guidance and implementation of provocative functions which include fostering / maintaining discipline / order, as well as law enforcement and settlement of disciplinary violations at the central level within the stipulated authority.

a. *The process of checking violations of professional ethics*

The process of examination of violations committed by the police, namely as follows:²¹

- 1) Reporters based on the Chief of Police Decree Number 33 of 2003, can come from the community (victims or their proxies), Members of the Police, Related Agencies, Non-Governmental Organizations (NGOs), or Mass Media.
- 2) Reports submitted to the Complaint Service (Yanduan) both at the National Police Headquarters, as well as those at the regional or regional level.
- 3) Initial inspection is carried out by the Provoost function bearer at every level of the Polri organization, such as the Professional and Security Division (Divpropam) at the National Police Headquarters level.
- 4) The results of the examination will be reviewed, with the following results: a). If there is an element of criminal offense, the case file will be given to the Criminal Investigation Agency (Bareskrim) which will then be followed by an examination in the general court; b). If there is an element of violation of the code of ethics, the case file will be delegated to the superior who has the right to punish (Ankum) which will then be made by the National Police Ethics Code Commission; c). If there is an element of disciplinary violation, the case file will be delegated to the superior who has the right to punish (Ankum) which will then be examined in a disciplinary hearing.
- 5) The respective sanctions have different sanctions, including the following: a). If it is proven that what happened is a violation that has a criminal element, then the sanctions given are based on the provisions of the articles in the Criminal Code; b). If it is proven that what happened is a violation of the code of ethics, the sanction given is in the form of a disgraceful act; Ordered to express regret and apologize in a limited and open manner; Following the re-formation of the profession; It is no longer feasible to run the police profession. And if it is proven that what happened is a violation of discipline, the sanctions will be in the form of: (1) Written warning; (2) Postponement of participating in education for a maximum of 1 (one) year; (3) Postponement of periodic salary increases; (4) Delay of promotions for a maximum of 1 (one) year; (5) Demotion mutations; (6) Exemption from office; and (7) Placement in a special place for 21 (twenty one) days.

After seeing the provisions listed in Law No. 8 of 1981 concerning Criminal Procedure Law, Kapolri Regulation No. 14 of 2011 concerning the Code of Ethics of the National Police Professional and Government Regulation No. 2 of 2003 concerning Discipline of Polri Members, that the use of violence in the investigation process cannot be carried out. If the violence carried out in the public interest of the Republic of Indonesia National Police officials in carrying out their duties and authority can act according to their own judgment (discretion), this cannot be done arbitrarily, it can only be done in a very necessary condition by paying attention to legislation and the Indonesian National Police Professional Code of Ethics. this is consistent with the sound of Article 18 paragraph 2 of Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia.

²¹ Yanius Rajalahu "Penyelesaian Pelanggaran Kode Etik Profesi Oleh Kepolisian Republik Indonesia," (Jurnal Universitas Sam Ratulangi), 2013, p. 151-152

Sanctioning the National Police Professional Code of Ethics does not abolish criminal charges and / or civil law (Article 28 of Perkap No. 14/2011), if there is an element of criminal offense that is violated, the case file will be given to the Criminal Investigation Agency (Bareskrim). examination in the general court.

Conclusion

Based on the description of the discussion above, the researcher can draw conclusions as follows:

- a. Police Ethics is urgently needed for the realization of the tasks assigned to achieve the professionalism of the National Police. Polri's professional ethics is a handle for members of the police who can provide certain limits for the police in carrying out their duties and authority based on the laws and regulations and the National Police Code of Ethics of the Republic of Indonesia, so that opportunities for deviation or abuse of authority do not occur in the process of investigation.
- b. The use of violence in the investigation process is not legally justified and sanctions for investigators who commit violations, including: a). If it is proven that what happened is a violation that has a criminal element, then the sanctions given are based on the provisions of the articles in the Criminal Code; b). If it is proven that what happened is a violation of the code of ethics, the sanction given is in the form of a deplorable act Ordered to express regret and apologize in a limited and open manner; Following the re-formation of the profession; It is no longer feasible to run the police profession. And if it is proven that what happened is a violation of discipline, the sanctions will be in the form of: 1). Written warning; 2). Postponement of attending education for a maximum of 1 (one) year; 3). Postponement of periodic salary increases; 4). Delay in promotion for a maximum of 1 (one) year; 5). Demotional mutations; 6). Exemption from office; and 7). Placement in a special place for 21 (twenty one) days.

Recommendation

Because the Police are all matters relating to police functions and institutions in accordance with the laws and regulations. For this reason the author gives suggestions, namely:

- a. National Police As a state institution that has the duty as a law enforcer, it is expected to master the technical aspects of law and the criminal law auxiliary sciences so that there is no action beyond what constitutes the legal corridor.

In the process of examining suspects, suspects must be placed on human positions that have dignity and must be judged as a subject, not as an object. The act of criminal offense is the object of examination, because the suspect must be considered innocent until a court decision that has permanent legal force is obtained.

References

Books

Andi Hamzah. 2008. *Hukum Acara Pidana Indonesia*. Second edition. Publisher Sinar Grafika, Jakarta.

Eddy O. S. Hiariej. 2015. *Hukum Acara Pidana*. First edition. Publisher Universitas Terbuka, Tangerang Selatan.

Gerry Muhamad Rizki, KUHP & KUHP. Complete edition. Publisher Permata Press 2008.

See Decision Number 2588 K/Pid.Sus/2010.

Moeljatno. 2008. *Asas-Asas Hukum Pidana*. Eighth print. Reneka Cipta, Jakarta.

The Organizational and Persona Legal Responsibility System of the Republic of Indonesia National Police. www.academia.edu (accessed on 12 November 2015).

Sultan Remy Sjahdeini et. All. 2006. *Penegakan Hukum Di Indonesia*. Publisher Prestasi Pustaka, Jakarta.

Umi Enggarsasi, *Pertanggung Jawaban Pidana Korporasi Dalam Kejahatan Ekonomi*, January edition, *Jurnal Perspektif* Volume VII No. I of 2002.

Yanius Rajalahu "Penyelesaian Pelanggaran Kode Etik Profesi Oleh Kepolisian Republik Indonesia," (*Jurnal Universitas Sam Ratulangi*), 2013.

Regulations

Indonesia, Government Regulation concerning Amendments to Government Regulation No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code, PP No. 58 of 2010. LN No. 36 of 1983, TLN No. 3258.

Indonesia, Presidential Regulation of the Republic of Indonesia concerning the National Police Commission, Presidential Regulation No. 17 of 2011.

Indonesia, Law on Criminal Procedure Law, Law No. 8 of 1981, LN. No. 76 of 1981, TLN No. 3209.

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