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Imposition of Sanctions Criminal Personnel for Torture in the Investigation Process

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ABSTRACT

The aim of this research is to find out how the legal process for police officers who abuse suspects and how the process of arresting and examining suspects. The research used the normative juridical research method, and it is found that law enforcement against POLRI members requires a legal basis that is used as a formal juridical basis in committing a crime. The legal basis in question is the Criminal Procedure Code, namely Law No. 8 of 1981. In connection with the subject that is a suspect or defendant is a member of the National Police, besides the Criminal Procedure Code there are several other regulations that are used as a juridical basis in implementing legal proceedings against members of the Indonesian National Police who commit criminal acts as a legal basis are stipulated at some laws, such as Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 14 of 2011 concerning the Professional Code of Ethics for the State Police of the Republic of Indonesia, and Government Regulation Number 3 of 2003 concerning the Implementation of General Judicial Institutional Techniques for Members of the Indonesian National Police. This research also highlighted that the task of arresting officers is carried out by the state police of the Republic of Indonesia by showing a letter of assignment and giving the suspect an arrest warrant stating the suspect's identity (full name, age, occupation, religion, and address/residence) and state the reasons for the arrest and a brief description of the crime case suspected and the place where he was examined. In

the event of being caught in the red, the arrest is carried out without a warrant, provided that the arrest must immediately hand over the person caught and the evidence available to the investigator or the closest assistant investigator.

KEYWORDS

Physical Violence; Police; Process; Investigation Process

1 INTRODUCTION

According to Article 2 of Law No. 2 of 2002 concerning POLRI, the function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, protection, and public services. The police function is the main duty of the police as explained in article 13 of Law No. 2 of 2002 concerning POLRI. 4 The main duties of the National Police of the Republic of Indonesia are:

- 1) maintain public security and order;
- 2) enforce the law; and
- 3) provide protection, protection, and services to the community.

Article 5 of the Criminal Procedure Code explains that investigators have the authority to receive reports or complaints from a person regarding the existence of a criminal act, seek information and evidence, order a suspect to stop and ask for and examine personal identification, take other actions according to the law that is responsible. On the order of the investigator, he may carry out an arrest, prohibit leaving the premises, search and confiscate, examine and confiscate letters, take fingerprints and take a picture of a person, bring, and confront an investigator.

According to Darwan Prints (1997), the suspect is a person who is suspected of being the perpetrator of a criminal offense (in this case the suspect cannot be declared guilty or not). Protection of Human Rights has a long history that began with the same natural dignity and human rights that cannot be revoked. The recognition of human dignity and these rights is the basis of freedom, justice, and world peace. We see Ham as something that is vital for maintaining human life and safeguarding the most valuable right, namely the right to be human.

The use of violence in the investigation process is one option that police investigators often make in encouraging criminals to tell the truth. However, some experts consider this process to violate the concept of protecting human rights. In fact,

in several related studies, it has been revealed that the use of force in the investigation process does not guarantee the disclosure of the true truth, or even in some cases it creates false facts and bias (Hadebe & Gopal, 2021; Schippert, Grov, & Bjørnnes, 2021; O'Mara & Schiemann, 2019; fadlurrahman, Rafiqi, & Kartika, 2019), Manik & Rahaditya, 2020; Setiadi, 2020; Suyanto, 2020).

As a term, human dignity and rights are referred to as human rights. Article 4 of Law No. 39 of 1999 on Human Rights states a number of human rights that are absolute in nature, which cannot be reduced by any circumstances and by anyone.

- 1) Right to live;
- 2) The right not to be tortured;
- 3) The right to freedom of personality, thought and conscience;
- 4) Religious rights;
- 5) The right not to be enslaved;
- 6) The right to recognition as individuals and equality in public; and
- 7) The right not to be prosecuted on the basis of retroactive law.

Based on the description above, this paper is intended to analyze the legal process for police officers who torture the suspect and the process of arresting and examining the suspect. Based on the background above, the problem in this study is, can criminal sanctions provide a deterrent effect on investigating members who commit torture during the investigation process? and what is the legal process for police officers who abuse the suspect?

2 RESULT AND DISCUSSION

A. Legal Process for Police Officers Who Persecute Suspects

Arrest is part of a form of coercion as regulated in the Criminal Procedure Code, the implementation of which is given a restriction that prevents its use from neglecting human rights. However, it remains within the scope of a balance between the interests of individuals and the interests of the community, between the interests of the suspect and the interests of examination. In the criminal procedure law, there are rules regarding the legal basis for an arrest process, namely that there must be a strong allegation based on sufficient evidence that a person has committed a criminal act which is punishable by a sentence of five years or more, except for certain criminal acts stipulated otherwise by law (Kaligis, 2006: 123).

In the case of being caught red-handed, the arrest (which can be made by any person) only takes place between the arrest of the suspect until the police post or the

investigator can detain if the offense is determined that the suspect can be detained (Hamzah, 2014: 128).

According to Article 1 point 20 of the Criminal Procedure Code, that what is meant by arrest is an act of an investigator in the form of temporarily restricting the freedom of a suspect or defendant if there is sufficient evidence for the purposes of investigation or prosecution and/or trial in matters and according to methods regulated in this law. The purpose of arrest is to secure the suspect as an act of initiating the investigation process to obtain preliminary evidence for further investigation and detention.

According to Article 17 of the Criminal Procedure Code, that a person can be arrested or receive an arrest order, if the person is strongly suspected of committing a criminal act based on sufficient preliminary evidence. Likewise, according to article 19 Paragraph (2) of the Criminal Procedure Code, that the suspect who is the perpetrator of the violation is not arrested, except in the case that he has been legally summoned twice in a row and does not fulfil the summons without valid reasons. Discussion on preliminary evidence is very important which is closely related to the arrest as referred to in Article 17 of the Criminal Procedure Code. However, that the problem of sufficient preliminary evidence there are still differences of opinion among law enforcers as follows:

- 1) According to the Chief of Police in Decree No.Pol.SKEEP / 04 / I / 1982, dated February 18, 1982, it was determined that the sufficient initial evidence was evidence which constituted information and data contained in two of them:
 - a. Police report;
 - b. Examination report at the TKP;
 - c. Investigation report;
 - d. Statement of witnesses / expert witnesses; and
 - e. Evidence.
- 2) According to PAF Lamintang (2019), which after it was concluded, said that "*sufficient initial evidence*" in the formulation of article 17 of the Criminal Procedure Code must be interpreted as "*minimal evidence*", in the form of evidence as referred to in article 184 paragraph (1) KUHAP, which can guarantee that investigators will not be forced to stop their investigation of a person suspected of committing a criminal act after the person has been arrested.
- 3) According to the working meeting of MEKEHJAPOL I (Supreme Court of the Police Judiciary, dated March 21, 1984, it was concluded that sufficient preliminary evidence should be minimal: a police report plus one piece of

evidence (Hamzah, 2014). According to Article 16 of the Criminal Procedure Code, those who are authorized to make arrests are:

- a. For the purpose of investigation, the investigator, on the order of the investigator, is authorized to make an arrest.
- b. For the purpose of investigation, investigators and assistant investigators are authorized to make arrests.

According to Article 19 paragraph (1) of the Criminal Procedure Code, that a person who has been arrested as referred to in Article 17 of the Criminal Procedure Code can be made for a maximum of 1 (one) day. In Article 18 of the Criminal Procedure Code, that in order to make an arrest, it is necessary to pay attention to:

- 1) The task of arresting the police is carried out by the state police of the Republic of Indonesia by showing a letter of assignment and giving the suspect an arrest warrant that includes the suspect's identity (full name, age, occupation, religion, and address / residence) and states the reason for the arrest and a brief description of the criminal case involved. suspected and the place where he was examined.
- 2) In the event of being caught in the red, the arrest is carried out without a warrant, provided that the arrest must immediately hand over the person caught and the evidence available to the investigator or the closest assistant investigator.
- 3) A copy of the arrest warrant as referred to in paragraph (1) must be given to his family immediately after the arrest is made and it can only be done for a maximum of one day (24 hours).

B. The Investigation Process Accompanied by Torture

In the Investigation Stage, the suspect investigator in carrying out his duties has legal rules that must be obeyed, and formally regulated what and how to carry out the duties of the investigation. This means that investigators are bound by the rules, regulations and provisions that apply in carrying out their duties. In carrying out the investigation process, it is possible to have opportunities for irregularities or misuse of authority for certain purposes. That is why all criminal experts place investigation ethics as part of the professionalism an investigator must have as part of the professionalism an investigator must have.

The scope of the investigation is a series of actions by the investigator to search for and find an event that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the methods stipulated in Law No. 26 of 2000 article I point 5. The investigator has the authority to receive reports for looking for evidence, asking to stop the person who was deliberately

interfered with and asking and checking identification, and taking action according to the law that is responsible. Furthermore, the conclusions of the results of this investigation are conveyed to the investigator. Furthermore, the conclusions of the results of this investigation are conveyed to the investigators. If caught red-handed, without having to wait for the investigator's order, the investigator can immediately take the necessary actions such as arrest, prohibition, leaving the place, search and confiscation. In addition, investigators can also carry out letter checks and letter confiscation as well as take fingerprints and take pictures or take pictures of the person or group that was caught red-handed. In addition, the investigator can also bring the person or group face to face with the investigator.

Torture of the defendants during the arrest process is not a new thing in the law enforcement process in Indonesia (Wicaksana, 2016: 5). According to research by the Community Legal Aid Institute, it was found that 228 out of 388 respondents experienced torture when they were arrested by the investigators (Wicaksana, 2016). KUHAP defines an investigation as follows: A series of investigative acts in matters and according to the manner regulated in this law to seek and collect evidence which with this evidence sheds light on the criminal act that occurred and in order to find the suspect (Hamzah, 2017).

The Universal Declaration of Human Rights states that human rights must be protected (Tiara, et.al, 2016: 25-26). In general, the International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, along with its two optional protocols, and the International Covenant on Economic, Social and Cultural Rights. Furthermore, in relation to the issue of anti-torture, the relevant provision is Article 5 which reads "*No one may be tortured or treated cruelly, treated or punished inhumanely or insulted*". During the investigation stage, the Police often practice torture against a suspect with the aim of extracting information or forcing a suspect under his/her power to admit an act which the person did not necessarily commit. This act of torture seems to have become a habit to facilitate the investigation process.

Torture carried out against the backdrop of pursuing a confession from a suspect reflects the police officers' lack of knowledge and understanding of the provisions of the criminal procedure law. The practice of torture is also exacerbated by the low ability of the Police to uncover alleged criminal acts. Torture is often used as a way to make it easier for investigators to obtain a confession or statement from a suspect or even a witness. It is not uncommon for prosecutors and judges to consider torture a common thing. They turned a blind eye to the practice of the torture. It cannot be

denied that most of the perpetrators of torture in Indonesia are police, because it is the police who have an important role in the stage of investigation which is one of the initial stages of the operation of criminal justice. Even the Police Institution itself admits that the level of torture against the Police is still very high. Apart from the level of education that may result in the practice of torture continuing, the prosecution of police officers who perpetrate torture tends to be weak. Weak enforcement seems to be directly proportional to the absence of specific regulations regarding torture that are regulated in Indonesia, so there is no effort to prevent and enforce the crime of torture.

Barker and Carter concluded police behavior deviations in a typology that consisted of two things, namely job irregularities and abuse of power. Police work irregularities are criminal and non-criminal deviant behavior that is carried out during a series of normal activities or carried out by taking advantage of the authority of a police officer (Barker & Carter, 1991: 8-10).

Some forms of job deviation are often taken for granted by people in the same work environment. Abuse of power can be said to be any form of action carried out by the police without heeding the motives, intentions or feelings of revenge that tend to injure, insult, trample human dignity, show feelings of humiliation, and/or violate the legal rights of a resident in carrying out police work. Barker and Carter highlighted three areas of police behavior deviance, namely: first, physical torture, which occurs when a policeman uses more force than is necessary to carry out an arrest or official search, and/or the police officers use excessive physical force against other people without reason by abusing their authority; second, psychological torture, which occurs when police officers verbally attack, ridicule, openly treat or abuse someone and/or place someone who is under police control in a situation where that person's good name is insulted and helpless; and third, legal torture, in the form of violation of the suspect's constitutional rights protected by law, by a police officer (Barker & Carter, 1991: 10-11).

This form of physical torture has existed from the time of arrest to investigation. Other forms of violence are suspects/research informants being slapped, beaten in the limbs (head), kicked, beaten, burned with cigarettes, pointed with a gun, elbowed in the stomach, and other threats of violence (Raharjo & Angkasa, 2011: 392). Investigators often commit psychological violence with the intention of obtaining a confession or statement from the suspect. Through words that are harsh, disrespectful, or through body movements that show ridicule, insult, or even curse or curse. One suspect revealed that during his examination, he was looked down

upon, underestimated by investigators, and did not value him as a human (Raharjo & Angkasa, 2011). Another behavior is to be psychologically manipulated by making it look like a ping pong ball. Cases that should be civil cases are even forced to become criminal cases. The evidence is already pointing there, but investigators do not want to know. There are also suspects who claim to have played with their fate with promises to be lightened and even released from punishment, with this trick the investigator hopes that the suspect will confess or give information according to the investigator's wishes. Another form of psychological violence is that the examination is carried out at night, in which the suspect is psychologically tired and physically unable to concentrate on undergoing the examination (Raharjo & Angkasa, 2011).

The most form of deviant behavior by investigators is legal torture. Most of the informants said that at the beginning of the investigation, his constitutional rights as a suspect were not fulfilled. The right to receive legal advisory assistance was not offered from the start of the investigation. The method used by investigators is to give the suspect the right to legal assistance after the examination process is complete. Several informants, advocates/legal advisors stated that in general the rights of suspects are respected by investigators, although they are not necessarily implemented or immediately implemented. For example, the right to obtain or be accompanied by legal counsel may not be granted at the beginning of an investigation or immediately after an arrest (Raharjo & Angkasa, 2011), especially in cases where the punishment is more than five years. Violence in investigations still often occurs, especially if the examination is not accompanied by legal counsel, there are even investigators who dare to commit violence in the form of slashing their belts at the suspect. legal advisor if the examination is carried out at night even until the morning. The reasons put forward were the reason for the suspect's health and the concentration of the suspect at night, which was not focused, besides at night it was rest time. However, there are legal advisors who are willing to accompany the suspect in the investigation until the morning.

Several legal advisers considered that the law was actually good, but in practice it still needed to be refined. The skills of investigators need to be improved. With regard to supervision, the views of legal advisors are divided. There are those who think that external supervision is not necessary if the investigator has adequate capabilities in investigative techniques. However, several other legal advisors are of the opinion that external supervision is needed even though the capacity of legal advisors has increased. This cannot be separated from the behavior of the police who

are still willing to accept money and discriminatory treatment against suspects if they are related (Raharjo & Angkasa, 2011). Another fact that needs to be pointed out in relation to the investigator's behavior is that the suspect has not had the courage to report the violence he has received to the authorities. This happens because the suspect is afraid to accept a greater risk associated with handling his case. The legal advisor in this case only records the investigator's treatment and reports it to the investigator's superiors both at the Police level and at a higher level. The risk is with the suspect, not the legal advisor. Denial of the statement of the suspect in the investigation in the trial for the judge is not taken for granted, because the judge has more confidence in what is in the BAP and tends to make a match,

Based on the aforementioned facts, it appears that violence in investigations as a form of deviant behavior is still a habit for police in carrying out their duties. The confessions or information provided by the police informants during the research were standard and uniform information, namely that they always tried to deny or did not acknowledge the existence of violence in the investigation. There were informants who said that violence in investigations was not the main thing because there had been a shift, where the confession of the suspect was not the main thing in the investigation. However, even if there was violence, it was said by the informants as part of discretion, or the exercise of the police's right to act in accordance with situations and conditions permitted by law.

Such conditions are exacerbated by the absence of external supervision in the investigation. The supervision carried out is supervision from fellow investigators. This is very vulnerable and it is prone to violence against suspects due to the acknowledgment of colleagues and the spirit of the corps that supports what the investigators are doing. One of the informants said that external supervisors are legal advisors, even though based on existing regulations, there is not a single article that places legal advisors as supervisors in investigations. Legal advisors only serve as or provide assistance to suspects, most of whom are passive. Internal supervision from higher levels such as the Regional Police, is rarely carried out, Likewise from the National Police Commission (Kompolnas). Such conditions support the preservation of police behavior in the form of violence in investigations, which is still present and maintained until now (Raharjo & Angkasa, 2011).

The police are a public trust with great power and responsibility. A natural charge of the police is that the police must pay off, maintaining the highest ethical standards. Sometimes, the conduct of police activities is said to be a "moral mine," because much of the police work has to involve the conflicts of others and has to deal

with various kinds of deviant behavior. Sometimes in some of their duties the police then have to resort to discretionary measures (Raharjo & Angkasa, 2011). Law enforcement is not like drawing a straight line that is finished with the making of laws and implemented like a machine, so it looks simple and easy (automatic machine model). The complexity of law enforcement is due to human involvement in the law enforcement process. This dimension of human involvement by Black is called legal mobilization, namely the process through which the law gets its cases. Without mobilization or human intervention, these cases would not exist, so the law would only be a dead letter on paper (Raharjo & Angkasa, 2011).

The law gives the police the power to enforce the law in a variety of ways, from preemptive to repressive means of coercion and repression. The duties of the police in the scope of penal policies are in the realm of applicable policies, namely the realm of the application of criminal law which tends to be repressive. This tendency has resulted in the police's duty to attach to the use of force as a way to overcome obstacles in the investigation process to obtain a confession or statement from a defendant regarding a crime.

Police actions must always contain legal truth, instead of the law being used as justification for police actions or manipulating laws for police actions, this can lead to legal misdirection. In other words, legal elasticity is exploited for the sake of police action, in the form of forced efforts to meet targets of political interests, group interests, personal or individual interests, and other interests. Coercive measures on the right side are police actions based on laws to limit the freedom of a person who commits a criminal act (in particular) which is carried out objectively, honestly, and correctly, based on legal considerations and legal interests.

Investigation of suspects by investigators (detective) in the investigation process based on various research results shows that a culture of violence among the police still exists, and it is even customary to obtain a suspect's confession. The approach and treatment carried out by the police towards suspects is more non-scientific in nature, as if it has become the root of a culture of examination patterns for police who have reached a dead end. An examination pattern based on scientific investigation will avoid various forms of intimidation, threats, physical and psychological violence. Investigation here is defined extensively, including the pattern of the Police's handling of public mass problems related to issues of human rights protection (Adji, 2009: 59-60). Violence perpetrated by investigators during investigations leads to police morality. Morality refers to human behavior as a human being associated with one's actions, so that moral norms are the norms used

to measure whether or not human actions are true. The science that discusses morality or about humans as far as morality is concerned or that investigates moral behavior is ethics.

C. Criminal Sanctions for Perpetrators of Torture

In Dutch criminal law, apart from using the term *strafbaar feit*, sometimes the word delict comes from the Latin delictum. Generally, it is approved by criminal law experts to use *strafbaar feit*. Prof. Simon defines *strafbaar feit* as an act of breaking the law that has been done intentionally or unintentionally by people who can be held accountable for their actions. In the draft law from the Dutch government, it was found that the formulation deliberately caused pain in the body of others, and deliberately harmed the health of others. a doctor against a patient. This objection is recognized as true, then the formulation is changed to persecution with the explanation that this means doing something with the aim (*oogmerk*) to cause pain, and this is the meaning of the word persecution, whereas according to article 351 paragraph (4) of the Criminal Code, persecution is equated with detrimental to health. other people on purpose. This objection is recognized as true, then the formulation is changed to persecution with the explanation that this means doing something with the aim (*oogmerk*) to cause pain, and this is the meaning of the word persecution, whereas according to article 351 paragraph (4) of the Criminal Code, persecution is equated with detrimental to people's health. others on purpose.

Thus, the intentional element is limited to the form of the goal (*oogmerk*) unlike the elements of deliberation and killing. If a maltreatment results in serious injury, then in accordance with Article 351 paragraph (2) of the Criminal Code the maximum sentence is made up to 5 (five) years in prison. Meanwhile, if it results in the death of a person, the maximum sentence will be increased again to 7 (seven) years in prison. There are 2 (two) kinds of consequences that must not be addressed and must be accidental, then there is a criminal act of serious maltreatment and Article 354 paragraph (1) of the Criminal Code with a maximum sentence of eight years imprisonment if this action results in the death of a person, whereas if the death of a person is deliberately a criminal act be murder which is punishable by a maximum of 15 (fifteen) years in prison. In assessing the criminal act of persecution, it can be referred to in Article 170, Article 351, Article 352, Article 353, Article 354, Article 355, Article 356, Article 357, and Article 358.

D. Code of Conduct Sanctions on Investigators Who Commit Torture

Investigators must also be responsible in a code of ethics for the offenses they have committed against the suspect. Violations carried out by the police against the code of ethics will be resolved internally through a professional code of ethics commission hearing. This is regulated in Indonesian Police Regulation Number 14 of 2011 concerning the Police Professional Code of Ethics. Therefore, this code of conduct applies to all Police professions and must carry out their duties and authorities in accordance with the regulations that have been implemented.

Professional Ethics Sanctions for Police Investigators Polri's professional ethics is the crystallization of Tribrata's values which are based on and inspired by Pancasila and reflect the identity of each Police member in the form of moral commitment which includes personality ethics, state ethics, institutional ethics, and ethics in relations with society. Social ethics regulates the moral attitude of the police in order to provide the best service to the community. This is in line with the police's duty to discipline and protect the community. In terms of personality, Polri in its profession is based on a call of worship as a religious community. In state ethics, the National Police should uphold the foundation and constitution of the Republic of Indonesia, namely Pancasila and the 1945 Constitution of the Republic of Indonesia.

Police investigators who carry out investigative duties related to the criminal justice process always uphold the professional ethics of the police as regulated in the Police Professional Ethics Code and the National Police Investigator Professional Code of Ethics as stipulated in the Chief of Police Regulation Number 15 of 2006 concerning the Professional Code of Ethics for Police Investigators. Article 11 regulates that violations of the professional code of ethics committed by investigators are subject to sanctions as stipulated in the National Police Chief Regulation No Pol: 7 of 2006 concerning Polri's professional code of ethics is highly irrelevant, because the Chief of Police Regulation No Pol: 15 of 2006 does not regulate a separate sanction. against Police investigators who violate the Professional Code of Ethics for Investigation. Police investigators have a functional task in the field of criminal case investigation, and not all Polri members are investigators.

The definition of an investigator in the Criminal Procedure Code Article 1 point 1 is; The formulation of violations of the police professional code of ethics can be seen in the Chief of Police's regulation Police Number: 8 of 2006 dated July 1, 2006, it is stated in Article 1 point 3 that "violation of the police professional code of ethics is any act committed by a member of the National Police which is contrary to the Police Professional Code of Ethics. The formulation of the police professional code of ethics

is contained in article 1 number 2 of the Chief of Police's regulation Police Number: 7 of 2006, it says that the police professional code of ethics is the norms or rules that constitute a unity of ethical or philosophical foundations with rules of conduct or words regarding mandatory, prohibited matters, or it is inappropriate for members of the National Police to do so.

Based on the description above, the criteria for the types of violations of the National Police's professional code of ethics can be explained, among others:

- 1) Polri members who only violate Professional Ethics.
- 2) Polri members who only violate discipline only.
- 3) Polri members who violate discipline as well as violate professional ethics.
- 4) Polri members who violate criminal acts as well as violate professional ethics and discipline means; in a criminal act there is a violation of professional ethics and a violation of discipline.

Sanctions in the police professional code of ethics are regulated in the Chief of Police Regulation Number 7 of 2006 concerning the Police Professional Code of Ethics sanctions for police investigators who carry out criminal investigations related to the criminal justice system violate the professional code of ethics of the investigation. The form of sanctions in the police professional code of ethics is in the form of moral sanctions and administrative sanctions. Moral sanctions are formulated in Article 11 paragraph (2) of the National Police Chief Regulation No.Pol .: 7 of 2006, which reads:

- 1) Violating behavior is declared as despicable act;
- 2) The violator's obligation to apologize in a limited or direct manner.
- 3) It is the obligation of the offender to take part in the re-development of the profession.
- 4) Offenders are declared unfit to carry out the profession or police function.

Administrative sanctions are formulated in Article 12 paragraph (4) of the Regulation of the Chief of Police No.Pol .: 7 of 2006, which reads:

- 1) Transferred assignment to a different position;
- 2) Moved assignments to a different area;
- 3) Respectfully Dismissed (PDH)
- 4) Disrespectful Termination (PTDH);

From the description above it is clear, that the role of sanctions in police professional ethics, which is only moral and administrative in nature, is not sufficient to have a preventive effect or does not have a deterrent effect on the perpetrators of violations of the code of ethics, let alone against the perpetrators of violations of the professional code of ethics by investigators. Of course, the imposition of sanctions on

perpetrators of violations of the police professional code of ethics who are not investigators cannot be the same. Investigators who commit irregularities and accept bribes may apply sanctions in the form of Disrespectful Dismissal (PTDH) because investigators who commit irregularities and accept bribes are no longer eligible to become members of the Police because they have damaged the image of the Police.

3 CONCLUSION

This research concluded that legal effectiveness against investigators requires a strong legal basis as a formal juridical basis in committing criminal acts. The legal basis in question is the Criminal Procedure Code, namely Law No. 8 of 1981, Law No. 2 of 2002 concerning the Indonesian National Police. Law Number 14 of 2011 concerning the Professional Code of Ethics for the State Police of the Republic of Indonesia. Government Regulation Number 3 of 2003 concerning the Implementation of General Judicial Institutional Techniques for Members of the Indonesian National Police. POLRI committing a criminal act of maltreatment can be reported and processed in accordance with the applicable laws. So that the POLRI member can undergo a punishment code of ethics, discipline and sanctions from the Criminal Code Article 351 concerning persecution. Article 18 of the Criminal Procedure Code states that in order to make an arrest, it is necessary to pay attention to the implementation of the task of arresting the police officer of the Republic of Indonesia.

4 DECLARATION OF CONFLICTION INTERESTS

Authors declare that there is no conflicting interest in this research and publication.

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