

# **The Nature of the Functions of the Security Profession in Law Enforcement and Discipline of Police Members at the Regional Police of West Sulawesi**

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## **ABSTRACT**

The purpose of this study is to analyze the nature of the profession and security of the West Sulawesi Regional Police in enforcing disciplinary law. This research method uses a combined research method between doctrinal legal research, empirical normative and sociological empirical research because, in addition to studying the regulations of the head of the police and related laws, it also examines its application in the field. The results of the study show that the nature of the Professional and Security Functions in Law Enforcement and Discipline of Polri Members is to create professional, disciplined, accurate and ethical members of the National Police in carrying out their duties so that they can produce predictive, responsible, and transparent police officers with justice in the West Sulawesi regional police.

**KEYWORDS: Profession; Police; Security; Law enforcement**

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## **I. INTRODUCTION THE**

police as one of the state institutions, it turns out that this function has a very broad measure, not just a repressive aspect about the criminal law enforcement process, but also includes a preventive aspect in the form of tasks that are so attached to the main function of state administration. ranging from guidance and regulation to police actions that are administrative and not court competence.<sup>[1]</sup>

At the beginning of the reform, several reforms were made within the Indonesian National Police. TAP MPR-RI No. VI/MPR/2000 and TAP MPR-RI No. VII/MPR/2000 has separated the POLRI from the TNI and placed the functions of the Police separately from the TNI. The DPR has also completed Law No. 2 of 2002 concerning the Indonesian National Police.<sup>[2]</sup>

The Various challenges that have been passed by the police in carrying out their duties, which are sometimes still far from the expectations of the community, especially with the various events that exist in society today, are a good experience towards better future police, the challenges of the current police task are not only coming from outside but reforming the organization, especially the members of the National Police themselves to increase their ability to reveal various crimes, crimes now ranging from street crimes, thuggery and also various types of crimes that exist today need the expertise and professionalism of the Police, especially crimes that are so serious. many and require its expertise, the rampant crime that exists today makes the police always demanded to be nimble and humane so that the purpose of Law no. 2 of 2002 concerning the Indonesian National Police can be implemented.<sup>[3]</sup>

Law enforcement is a tough task and requires experience and foresight in handling cases handled, the Police are always required to be humane and professional in carrying out their duties, for that the Police always improve and improve their performance and duties to realize the National Police professional and humanist in an increasingly dynamic society.<sup>[4]</sup> However, in carrying out their duties as law enforcers, sometimes police officers are considered arrogant in carrying out their duties and lack professionalism, so that a violation or irregularity appears, in this case, the Police institution prepares or monitors its members through the Profession and Security Division (Propam). to maintain and remind each of its members to always be careful in their duties, and to prioritize professionalism in carrying out their duties as law enforcers in the community.

The deviant behaviour of Polri members above is a violation of the disciplinary regulations of Polri members as regulated in Government Regulation of the Republic of Indonesia Number 2 of 2003 concerning Disciplinary Regulations for Polri Members. However, law enforcement against the disciplinary regulations of Polri members is currently felt to be far from expectations and has not been able to maximally have a positive impact on the behaviour of Polri members, both because of the process of law enforcement and the results of

law enforcement of disciplinary regulations, among others, there are still differences in perceptions about the implementation of the provisions. disciplinary law for members of the National Police who commit disciplinary violations, even though this has been regulated properly by PP RI No. 2 of 2003 concerning the Disciplinary Regulations for Members of the Police and the provisions for the implementation program based on the Decree of the Chief of Police No. Pol. : Kep/43/IX/2004 dated September 30, 2004, regarding the Settlement of Discipline Violations of Polri members, and based on the Decree of the National Police Chief No. Pol. : Kep/97/XII/2003 dated December 31, 2003, concerning the Organization and Work Procedure of the Div Propam Polri.<sup>[5]</sup>

In reports on cases of violations by members of the police every year there is an increase, this means that the task of the National Police in the future in fostering and disciplining its members still needs to be done hard work and comprehensive guidance, against members of the Police who commit violations, from disciplinary violations to Violations that fall into the realm of the general crime leave a bad record related to various causes, such as narcotics abuse, adultery, and cases of theft involving members of the National Police so that the disciplinary trial process leads to a dishonourable discharge (PTDH) through the trial process for the police professional code of ethics.

Efforts to enforce discipline and the Police Code of Ethics are very much needed to realize the implementation of the assigned tasks and achieve the professionalism of the Police. It is very unlikely that law enforcement can run well if the law enforcers themselves (Polri) are undisciplined and unprofessional. The indiscipline and unprofessionalism of the National Police will greatly impact law enforcement or disclosure of crimes that occur in the community.<sup>[6]</sup>

Since the enactment of Law No. 2 of 2002 concerning the Indonesian National Police, members of the Indonesian National Police who commit criminal acts are no longer subject to Military Courts (Law No. 31 of 1997 concerning Military Courts), but rather subject to the general court so that what applies is the provisions of Law No. 8 of 1981 concerning the Criminal Procedure Code.<sup>[7]</sup> Confirmation of the submission of members of the National Police in the general courts is stated in Article 29 paragraph (1) of Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, that members of the Indonesian National Police are subject to public courts, and Government Regulation No. 2 2003 concerning disciplinary regulations for members of the National Police and Government Regulation No. 3 of 2003 concerning the technical implementation of the General Judiciary for members of the National Police and Regulation of the Head of the State Police of the Republic of Indonesia No. 2 of 2016 concerning the settlement of disciplinary violations by members of the Indonesian National Police and bound by Perkap 14 2011 concerning the Police Professional Code of Ethics.

The professional code of ethics is born within the professional institution or organization itself which is then morally binding for all members who are members of one professional organization with other organizations having different formulations of professional codes of ethics, both elements of norms and the scope and area of application.<sup>[8]</sup> the police profession has a code of ethics that applies to police and police function holders. The code of ethics of the police profession is not only based on professional needs but has also been regulated normatively in Law no. 2 of 2002 concerning the National Police which was followed up by Regulation of the Head of the State Police of the Republic of Indonesia No. 14 of 2011, concerning the professional code of ethics for the police of the Republic of Indonesia, Perkap No. 19 of 2012 concerning the organizational structure and work procedures of the Code of Ethics for the Police of the Republic of Indonesia.

The National Police Chief is an official at the Ministerial level because he is directly responsible to the President, so the regulations issued by the National Police Chief have binding power. In addition, the increase in the regulation of the police professional code of ethics does not only bind members of the police but also binds other police functions. Every member of the National Police must uphold the oath taken when appointed as a member of the National Police in carrying out their duties based on divine values and must maintain the good name of the institution carrying out their duties with full responsibility.<sup>[9]</sup>

Law enforcement against members of the National Police who commit criminal acts has its character when compared to the general public, in addition to being processed criminally through the general court, it is also processed internally through the trial of the Police code of ethics and professionalism as regulated in Perkap 14 of 2011 concerning the code of professional ethics. Police.<sup>[10]</sup> In law enforcement against members of the National Police who commit criminal and disciplinary actions either through the general judicial process or through enforcement of internal discipline and code of ethics through the professional and security division (PROPAM POLRI), this will be in the spotlight of the public, when deviations occur in the process. which is not following the principles of law that apply universally because the difference in actions/treatments can cause injustice felt by members of the Police and their families who are suspected of committing a crime so that the trial of members of the Police who commit disciplinary actions is carried out following PP No. 2 of 2003 regarding the disciplinary regulations for members of the Indonesian state police, this rule applies to the police.<sup>[11]</sup>

In the jurisdiction of the West Sulawesi Regional Police, which was officially established on June 1 2016, the areas include the Mamuju Police, Central Mamuju Police, Mandar Polewali Police, Majene Police, Mamasa Police, Pasangkayu Police. The types of violations committed by members of the police range from Disrespectful Dismissal (PTDH) to written warnings and position transfers, delays in rank, periodic salary delays, from July 2016 to June 2021, reports of complaints or alleged violations of members of the West Sulawesi Regional Police have increased. cases to be handled in the Profession and Security Division so that the performance and hard work of Bidpropam is needed to carry out law enforcement for its members and staff.

The problems mentioned above were also conveyed by the Division of Profession and Security (PROPAM POLDA West Sulawesi) which stated that the empirical fact that many members of the National Police had committed violations of both disciplines, code of ethics and criminal matters indicated that there was a need for internal supervision through the PROPAM Division so that the existence of the police force is necessary. through improvements in the internal environment can run as expected.

## **II. RESEARCH METHODS**

Legal Research In principle, it is divided into 3 (three) types of research, namely the type of doctrinal legal research or the type of doctrinal legal research (*normative legal research*), the type of non-doctrinal legal research or (*social legal research*) often also called empirical legal research. and the type of research that combines the two. This research is legal *research*, which is normative empirical, for normative by reviewing and analyzing books, theories, laws and regulations, government regulations, regulations of the National Police Chief, legal journals, legal decisions and legal cases that have ever existed. This research was carried out within the jurisdiction of the West Sulawesi Regional Police, taking into account that the West Sulawesi Regional Police which hierarchically in law enforcement against members of the Police are authorized by the Head of the Indonesian National Police to enforce the law against members of the Police who commit criminal acts and disciplinary actions which in practice on behalf of the National Police Chief may impose administrative sanctions ranging from the lightest to the dishonourable discharge (PTDH).

## **III. RESULTS & DISCUSSION**

### **The Nature of the Profession and Security Function of the West Sulawesi Regional Police in Enforcing Disciplinary Laws following Law no. 2 of 2002 concerning the National Police of the Republic of Indonesia and Government Regulation Number 2 of 2003 concerning Discipline of the Police The National**

Police as the duty bearer of the police in Indonesia is one of the institutions that are required to make changes in line with the changes experienced by the Indonesian people since the 1998 reform movement. reformation in 1998 which brought a stream of change in Indonesia. The authoritarian power in the form of the New Order government which had been in power for more than 30 years was unable to stem the spirit of change from the people and had to finally step down. Now, regional head elections have been carried out directly and democratically. Various kinds of media and freedom of the press are also more open and the Indonesian people understand the concept of Human Rights (HAM) better and more importantly, there is awareness in society to demand the fulfilment of these rights.

The reform mandate is basically that legal reform cannot be carried out spontaneously which will only cause social turbulence. What can be done is acceleration (acceleration), but even that must remain in an orderly and orderly corridor. This acceleration is expected from efforts to change or reform our national laws. Every change always contains the meaning of renewal as a dynamic process of life. This is the essence of reform, namely dynamic changes to make something new. Something new can be in the form of values, norms and so on. Changes contained in reform are changes that lead to something better than before.

Law enforcement efforts carried out by the government cannot be separated from the police. The main task of the National Police itself according to Law no. 2 of 2002 concerning the Police is to maintain public security and order, enforce the law, and provide protection, protection, and services to the community.

The National Police as a responsive sub-system of the government has tried to contribute to realizing the principles of Good Governance and Clean Government both in the implementation of the main tasks of maintaining Kamtibmas, enforcing the law and protecting, nurturing and serving the community as well as within the internal police themselves as proclaimed in the National Police's grand strategy in the form of *Trust Building* (building trust).

The complexity of the challenges of Polri's tasks in the reform era has also benefited Polri with various significant advances in the fields of strength building, coaching and operations. However, on the other hand, it is honestly acknowledged that there is negative access from the implementation of their main duties in the form of behavioural deviations from members of the Police such as *abuse of power*, the quality of service presentation which is despicable from a moral and legal point of view, including discrimination, requests for services/law enforcement reasons. self-interest, excessive discretion, complicating, arrogant, slow, impolite human and

negative behaviour. Even some time ago there was a *statement* from a non-governmental organization (NGO), which said that the National Police was the number one most corrupt organization in Indonesia. Regardless of whether it is true or not, at least this statement provides further justification that there are indeed many irregularities within the Police.

Meanwhile, Profession and Security within the Polri institution itself can be abbreviated as (PROPAM), which has been used by the POLRI organization in one of its organizational structures since 27 October 2002 (Kep KAPOLRI Number: Kep/54/X/2002), previously known as the Provos Service or The POLRI Provost Unit whose organization is still united with the TNI/Military as ABRI, where the POLRI Provost is a coaching function unit of the Military Organization Police/POM or the term Military Police/PM.

Propam itself is one of the POLRI organizational forums in the form of a Division that is responsible for professional development and security issues in the internal environment of the POLRI organization abbreviated (Propam Polri Division) as one of the implementing elements of the POLRI special staff at the Headquarters level which is under the KAPOLRI.

1. The Propam The

duties of the task of Propam itself, in general, is to foster and carry out the functions of professional accountability and internal security, including enforcement of discipline and order within the POLRI and the service of public complaints regarding irregularities in the actions of members/PNS POLRI, which in the organizational structure and working procedures of Propam consists of 3 (three) fields/functions in the form of sub-organizations called Bureaus (Paminal Bureau, Wabprof Bureau and Provos Bureau):

- a. The security function in the internal environment of the POLRI organization is accountable to the Paminal Bureau.
- b. The function of professional responsibility is accommodated/accounted for by the Wabprof Bureau.
- c. The Provos function in enforcing discipline and order within the POLRI is accountable to the Provos Bureau.

2. Obligations of Propam

The Propam Police Division in carrying out its duties must carry out/organize various activities, including the following:

a. The development of the PROPAM function for all levels of the Indonesian National Police, including:

1) Formulation/development of systems and methods including instructions for the implementation of the PROPAM function.

2) Monitoring and supervision of staff including providing direction to ensure the implementation of PROPAM functions.

3) Providing support (*back-up*) in the form of both technical guidance and strength assistance in the implementation of the PROPAM function.

4) Planning for personnel needs and budgets including the submission of suggestions/considerations on the placement/career development of personnel carrying out the PROPAM function.

5) Collection, processing and presentation as well as statistics relating to resources and results of the implementation of the tasks of PROPAM organizational units.

6) Implementation of service functions about public complaints/reports regarding the attitudes and behaviour of POLRI members/PNS, including centralizing data nationally and monitoring/controlling the handling and complaints/reports of the public by all levels of the POLRI.

b. Implementation of research registration on the case handling process and preparing rehabilitation processes/decisions for members/PNS POLRI who are not proven to have committed violations, or pardons/reductions in punishment (discipline/administration) as well as monitoring, assisting the process of implementing sentences and preparing termination decisions for personnel who are currently serving/has carried out the sentence (convict).

c. Fostering and implementing professional accountability functions which include the formulation/development of professional standards and codes of ethics, assessment/accreditation of the application of professional standards, as well as coaching and enforcement of professional ethics including investigative audits.

d. Fostering and implementing the internal security function, which includes: securing personnel, materials, activities and information, including investigations into cases of violations/alleged violations/deviations in the implementation of POLRI duties at the central level within the stipulated authority limits.

e. Guidance and implementation of provost functions which include fostering/maintaining discipline/rules, as well as law enforcement and settlement of cases of disciplinary violations at the central level within the stipulated authority limits.

Internal supervision of the National Police is carried out by the Professional and Security Division of the National Police (Div Propam Polri). Divpropam Polri, in general, is in charge of fostering and carrying out

professional accountability functions and internal security, including enforcement of discipline and order within the Polri, especially the Polda Sulbar, as well as service for public complaints regarding irregularities in actions carried out by members of the Polri/Polri Civil Servants. In terms of supervision, the Divpropam Polri through the provost bureau conducts checks and controls on members/PNS Polri by conducting operations, both operations at the headquarters level and operations at the regional level and carried out periodically or incidentally, either directly or indirectly following orders and policies from police leadership.

So, Divpropam supervises behaviour and performance on matters relating to disciplinary violations and violations of the code of ethics that can be carried out by all Polri personnel, both Polri members and Polri PNS who are at the Polri Headquarters and Polda Polda work units.

Whereas the Divpropam Polri according to its structure consists of ahead of the Propam Division assisted by 3 (three) heads of bureaus with the rank of brigadier general of police (brigen pol.) and 3 (three) heads of sections with the rank of a police commissioner (kombes pol.). The bureaus consist of the paminial bureau (internal security), the wabprof bureau (professional responsibility), and the provost bureau. Meanwhile, the division consists of the renmin (planning and administration), the personnel rehab section, and the guidance section (complaint services). The bureaus and sections already have *job desk/roles* and duties, so that all processes of supervision of everything related to Polri personnel are carried out entirely by the bureau and the section. SOPs (Standard Operating Procedures) that exist in bureaus and departments serve as guidelines or the basis for work/action. In terms of supervision of members suspected of committing violations, it begins with a complaint received by the guidance section then an investigation is carried out by the paminial bureau. After the results of the investigation are complete, an examination is carried out by the provost bureau if the suspect has committed a disciplinary violation, while it is submitted to the wabprof bureau if it is indicated that he has violated the Police Professional Code of Ethics (KEPP).

In its internal implementation, it is felt that it has gone well where the internal police inspectors together with consultants from BPKP periodically carry out inspections while providing assistance and solutions to the obstacles and difficulties experienced. This activity is carried out to eliminate errors and anticipate abuse of authority in the planning, implementation, and control fields. As one of the pieces of evidence that the National Police has several times received the title of unqualified in the field of financial reports and several other achievements.

However, from the community's point of view, there are still shortcomings, in which the public has high expectations of the Police to continue to make comprehensive improvements from the structural and cultural aspects of the instrument. This is the benchmark for people who are not satisfied with the performance of the police, including the existing supervisory function, although external supervisors are expected to always follow in every implementation of Polri's duties, as well as internal supervision carried out by Propam itself so that in all acts of duty and authority it returns to the initial dignity of its formation. following the Police Act, namely to maintain the professional code of ethics of the Police as a servant, protector and protector of the community as a whole, to realize *Good Governance* in the country of Indonesia.

Law enforcement in the sense of legal processes for members of the Police who commit disciplinary violations are carried out at the level of their respective units, violations committed at the Polda level are resolved at the Polda level, violations committed at the Polres level are resolved at the Polres level where the Polri members carry out their duties. , and if a member of the National Police commits a violation at the Polsek, the disciplinary hearing process is carried out at the Polres level in charge of it. The process of resolving disciplinary violations committed by members of the National Police is essentially aimed at realizing legal certainty in the context of maintaining and enforcing disciplinary laws within the Police. The meaning of legal awareness in society has an important meaning in supporting law *enforcement*. Awareness comes from the word conscious which means to be aware, feel, know or understand. To be aware means to know, to realize, to feel.

Whereas the essence of the West Sulawesi Police Propam, as when we refer to the Police Law (UU No. 2/2002), in the considering section, it is very clearly explained that domestic security is the main requirement to support the realization of a just, prosperous and civilized civil society. based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). That the maintenance of domestic security through efforts to carry out police functions which include the maintenance of public security and order, law enforcement, protection, shelter, and service to the community is carried out by the Indonesian National Police as a state instrument assisted by the community by upholding human rights, as contained in the constitution itself.

#### **IV. CONCLUSION**

The essence of the Professional and Security Functions in Law Enforcement and Discipline of the Indonesian National Police is to create professional, disciplined, accurate and ethical members of the National Police in carrying out their duties so that they can produce predictive, responsible, and transparent police with justice in the West Sulawesi regional police.

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