



Effectiveness of Law Number 2 of 2002 Concerning Police Members Who Commit Alleged Violations or Criminal Acts in the Case of Ferdy Sambo

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Abstract

The problems in this study are how the effectiveness of Law Number 2 of 2002 concerning the police for members who commit alleged violations or criminal acts and what are the obstacles in implementing Law Number 2 of 2002 concerning the police for members who commit alleged violations or criminal acts. The purpose of this research is to make a contribution, especially about the science of law so that function for know the effectiveness of Law Number 2 of 2002 concerning the police. This study uses a normative type of legal research, namely research by describing the facts examined and related to existing laws and regulations. The conclusion of this study is to find several violations or crimes that have been committed by the Indonesian police, including: Narcotics Abuse, Theft, and Discipline Violations. The effectiveness of Law Number 2 of 2002 concerning the Indonesian National Police in the case of premeditated murder involving Ferdy Sambo, et al helped to outline the parts that were violated such as Article 35 (1), Article 30 (1), Article 19 (1), and Article 23. General factors that affect the law enforcement process: Legal Factors, Law Enforcement Factors, Factors of Supporting Facilities or Facilities, Community Factors, and Cultural Factors.

Keywords: Effectiveness, Law Number 2 of 2002, Police, Offenses, Criminal Acts

Introduction

Polri is mandated by law as an instrument of the state whose job is to maintain law and order, enforce the law and protect, protect and serve the community (Davis, 2012). Based on article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, 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 service to the community (Christmas & Angelina, 2022).

As an example, one of them in the crime of drug abuse committed against unscrupulous members of the police who became in the Jambi City Police Legal Area has received a binding decision from Judge Number 929/Pid.Sus/2019/PN.Jmb. In this decision, it was explained that he had violated the rules regarding the criminal act of narcotics abuse committed against the accused member of the police.

Based on the background of the problem, there is a formulation of the problem, namely:

1. How effective is Law Number 2 of 2002 concerning the police for members who commit alleged violations or criminal acts?
2. What are the obstacles in the implementation of Law Number 2 of 2002 concerning the police for members who commit alleged violations or criminal acts?

Literature review

Abuse of office and authority can also be carried out by the police in carrying out their duties as investigators and investigators of criminal cases (. et al., 2022). Cases of criminal acts committed by members of the police will later be dealt with according to their type, where criminal law has a general objective, namely to organize society's order. Then the specific goal is to tackle crime and prevent crime (O'Connell, 2022) by imposing sanctions that are harsh and sharp in nature as protection against legal interests, namely people (dignity, soul, property, body, etc.), society and the state (Pidada et al., 2022).

Research methods

The type of research that the researcher chooses is a normative type of legal research, namely research by describing the facts that are examined and related to existing laws and regulations. The approach method in this research is statutory approach and concept approach. The statutory approach is an approach that examines various legal regulations which are the focus as well as the central theme of the research. While the concept approach is related to juridical concepts that contain regulations. The conceptual approach is intended to analyze legal material so that the meaning contained in legal terms can be identified. The data used is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. In collecting the data needed to assist in the research process, the researchers used data collection procedures, namely using a literature study.

Results and Discussion

Police is one of the organs of government formed in the framework of administering the state, therefore its existence cannot be separated from the government or the state. Based on the description in Article 1 point 5 of the Police Law (Karabin, 2022), the Indonesian National Police, whose role as the maintainer of public security and order, is one of the prerequisites for the implementation of the national development process (Zhydovtseva, 2021). In carrying out

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the role of maintaining public order and security, the National Police of the Republic of Indonesia must have the ability to foster and develop the potential and strength of the community in preventing, preventing and overcoming all forms of violations of the law and other forms of disturbance that can unsettle the community.

Criminal acts committed by unscrupulous members of the Indonesian National Police are known based on reports or complaints by the public. Police officers who commit criminal acts are automatically members of the police who have violated the Code of Ethics and Disciplinary Provisions (Etheridge & Yu Hsu, 2019). This is because every member of the Police is obliged to maintain and optimize law enforcement and uphold the honor, reputation and dignity of the Indonesian National Police.

Phenomena often occur within the police institution, where a member of the National Police who is supposed to be the protector and protector of the community actually commits a disgraceful act and violates applicable legal provisions. Not infrequently there are members of the National Police who act against the law and do not heed religious norms, decency, decency, and do not respect human rights (Prakoso, 2015).

To carry out the enforcement of the Polri Professional Code of Ethics, it is regulated normatively in Law no. 2 of 2002 concerning the Indonesian National Police which was followed up with the Chief of Police Regulation (Perkap) No. 14 of 2011 concerning the Police Professional Code of Ethics. So that the Police Professional Code of Ethics is binding on every member of the Indonesian National Police (Alam, 2004).

Through Law Number 2 of 2002 concerning the Indonesian National Police, in order to form an Indonesian National Police that is independent, professional and meets the expectations of the community. Law Number 2 of 2002 concerning the Indonesian National Police which focuses more on the function of public service in accordance with the International Convention concerning the functions of the Police throughout the world, states that the function of the police is part of the functions of the government which is tasked with organizing and creating security within country.

Article 13 paragraph (1) of Law Number 2 of 2002 concerning the Police, which states: "Members of the Indonesian National Police may be dishonorably discharged from the services of the Indonesian National Police for violating the oath/pledge of members of the Indonesian National Police, oath/pledge position, and/or the Indonesian National Police Professional Code of Ethics (Rosmala & Thooyibah, 2022).

Article 16 paragraph (1) of Law Number 2 of 2002 concerning the Police states "In order to carry out the tasks referred to in Articles 13 and 14 in the field of criminal proceedings. The National Police of the Republic of Indonesia has the authority to carry out other actions according to responsible law." arbitrary acts (*abuse of power*) because they not only violate the law, but also violate the principles of human rights (HAM) (Rijal et al., 2021).

The effectiveness of Law Number 2 of 2002 concerning the Police can be linked to the criminal acts committed by Ferdy Sambo and several of his colleagues (Ferdy Sambo, 2022).

The case of Ferdy Sambo et al in relation to Law No. 2 of 2002 concerning the Police of the Republic of Indonesia in its implementation is not in accordance with Article 5 paragraph (1), which states that: 1) The National Police of the Republic of Indonesia is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community in the framework of maintaining domestic security.

In the trial of the Code of Ethics for Professional Violations committed by Ferdy Sambo, it was decided that Ferdy Sambo was dishonorably dismissed, the decision was issued by the National Police Professional Ethics Committee (KEPP) in accordance with Article 35 (1) "Violation of the Indonesian National Police Professional Code of Conduct by officials of the Indonesian National Police are completed by the Indonesian National Police Code of Ethics Commission a. This is in line with Article 30 (1) "Members of the Indonesian National Police can be honorably or dishonorably discharged".

Article 19 paragraph 1 of Law Number 2 of 2002 concerning the Police which reads "In carrying out their duties and authorities, officials of the Indonesian National Police always act based on legal norms and respect religious norms, decency, decency, and uphold human rights". Ferdy Sambo in carrying out his action did not think about the human rights of Brigadier J (Azahra, 2023).

In this case Ferdy Sambo and his friends have violated Article 23 of Law Number 2 of 2002 concerning the Police which reads "By Allah, I swear/promise: that I, to be appointed as a member of the Indonesian National Police, will be loyal and fully obedient to Pancasila, the 1945 Constitution of the Republic of Indonesia, Tri Brata, Catur Prasatya, and the Unitary State of the Republic of Indonesia and the legitimate government." Ferdy Sambo and his colleagues violated several Pancasila values in the murder case of Brigar J (Junaedi et al., 2023).

Based on some of the descriptions above, the authors carried out empirical data collection to get a comparison of the effectiveness and obstacles that occurred in the implementation of Law Number 2 of 2002 concerning the Police, which we conducted interviews and asked the following questions. According to Members' Opinions about the Effectiveness of Law Number 2 of 2002 concerning military affairs regarding the implementation carried out by members of the Police and their staff.

Every member of the Police who commits a violation will be held in court according to the Judicial Code of Professional Ethics and for members of the Police who commit criminal acts they will definitely be processed according to the applicable laws and regulations because the National Police is subject to general justice in accordance with Law No. 2 of 2002 concerning Police. What are the obstacles experienced in implementing Law Number 2 of 2002 concerning the Police. In the implementation of Law Number 2 of 2002 concerning the Police, the obstacles are conflicts with applicable customary law, applicable regional regulations, and so on.

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Conclusion

Several violations or crimes that have been committed by the Indonesian police include: Narcotics Abuse, Theft, and Discipline Violations. The Effectiveness of Law Number 2 of 2002 Concerning the Indonesian National Police In the case of premeditated murder involving Ferdy Sambo, et al helped to outline the parts that were violated, such as Article 35 (1), Article 30 (1), Article 19 (1), and Article 23. General factors that affect the law enforcement process: Legal Factors, Law Enforcement Factors, Factors of Supporting Facilities or Facilities, Community Factors, and Cultural Factors. There are 2 obstacles, namely internal obstacles (human resources, budget, facilities and infrastructure. And external obstacles (investigation time is very dependent on the speed of the Auditor, and procedures in the criminal justice system that are not yet in line).

Suggestion

1. For Further Researchers

It is hoped that you will read more literature, both from books and from journals on the internet.

1. For Police Members

It is hoped that it will continue to be able to maintain the good name of the Indonesian National Police by reducing or eliminating violations or criminal acts committed by individual members of the police.

2. For the Community

It is hoped that they will be able to be open about violations or criminal acts committed by police officers and not hesitate to report violations or criminal acts committed by police officers to the authorities.

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