

Criminal Liability of Members of the Police of the Republic of Indonesia as Perpetrators of Criminal Acts in the Bali Police

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ARTICLE INFO	ABSTRACT
Keywords: <i>Police Accountability, Code of Ethics and Criminal Acts</i>	<i>This research examines the growing cases of legal violations by Indonesian National Police (Polri) members in Bali, which violate both criminal laws and police professional ethics, eroding public trust in law enforcement institutions. The study aims to analyze the criminal and ethical accountability mechanisms for offending officers and identify challenges in sanction enforcement within the Bali Police jurisdiction. Using normative juridical methods, the research analyzes primary legal sources (laws/regulations) and secondary materials (academic literature) through descriptive, systematic, and evaluative approaches. Findings reveal a dual accountability system: criminal prosecution through general courts and ethical review via the Police Code of Ethics Commission (Komisi Kode Etik Profesi – KKEP). Significant implementation barriers include internal limitations (inadequate infrastructure, staffing shortages, budget constraints) and external challenges (low community cooperation, evidentiary difficulties). The study concludes that effective enforcement requires robust dual accountability (criminal/ethical) for police misconduct. Key recommendations include: (1) strengthening internal oversight through KKEP and the Professional Standards Division (Divisi Profesi dan Pengamanan – Divpropam); (2) enhancing investigative capacity via personnel training and infrastructure upgrades; and (3) implementing public legal education programs to improve community participation in law enforcement processes. These measures aim to restore institutional credibility while ensuring transparent, accountable policing practices.</i>

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INTRODUCTION

Duties and Authorities of the police based on Law 2 of 2002, the main duties of the police are: maintaining public security and order; enforcing the law; and providing protection, protection, and services to the community (Arif, 2021; Budiarta et al., 2021; Pandelaki, 2018; Ranofika et al., 2023; Suntaka, 2018). The duties and authorities of the police as law enforcers must essentially apply positive laws in the administration of government, where the application of law is a real action in legal practice that is theoretically supported by the three layers of legal science, namely legal philosophy, legal theory, and legal dogmatics (Horman et al., 2021; Perangin-Angin et al., 2021; Rishan, 2020; Suwito & Kristyobudi, 2019).

The police as law enforcers have a central role in ensuring that the law runs as it should. However, problems arise when police members who are supposed to be role models in obeying the law actually violate the law or commit criminal acts. Violations committed by police members cause unrest in the community and reduce public trust in the police institution (Faridah, 2019; Kirana, 2016; Umar dinata, 2021). One of the forms of misconduct includes non-criminal extortion and drug abuse, which not only violate criminal law but also police ethics and professional codes.

Law enforcement not only involves criminal sanctions for perpetrators and dismissal but also ethical sanctions regulated in Police Regulation Number 7 of 2022. Police Regulation Number 7 of 2022 provides guidelines on how the police should behave and the consequences if they violate these guidelines (Hayqal, 2022; Indonesia, 2022; Manik et al., 2023). For instance, research by Smith (2020) analyzed ethical violations among Indonesian police but focused narrowly on procedural aspects without addressing systemic obstacles like resource limitations or community apathy. Similarly, a study by Brown & Lee (2021) examined criminal liability within the police force but lacked a regional focus, particularly on Bali, where tourism and local dynamics add complexity to law enforcement.

This study fills these gaps by providing a comprehensive analysis of both criminal and ethical accountability for police officers in the *Bali Regional Police*, while also identifying internal and external barriers to sanction enforcement. By integrating normative legal research with empirical insights, this research offers a nuanced understanding of the challenges unique to Bali. The findings aim to strengthen accountability mechanisms and inform policy improvements, ultimately enhancing public trust in the police institution.

The *Bali Regional Police* has given punishment/punishment for dishonorable dismissal (PTDH) to nine members of the Bali Police and its ranks. The Bali Regional Police Chief (Kapolda), Inspector General of Police Daniel Adityajaya, dismissed nine members of the National Police involved in criminal acts both serving in the *Bali Police*, the Police/Polresta ranks, and in Police Stations. This was conveyed by the Head of Public Relations of the Bali Police, Chief Commissioner of Police Jansen Avitus Panjaitan, in Denpasar. The punishment was officially carried out when the Bali Police Chief Inspector General Daniel Adityajaya led the morning assembly in the front yard of the Mapolda.

Jansen said that the members who were fired were involved in crimes of violence and sexual harassment, fraud, and theft, as well as drug abuse and adultery. The majority of members who were fired were involved in drug abuse cases. However, their roles in the cases were not explained in detail by the Bali Police. Likewise, the clarity of the legal process for the nine members involved in crime was not disclosed by Jansen. The former Denpasar Police Chief said that the Bali Police very much regretted the existence of Dishonorable Dismissal (PTDH); these police members could no longer be rehabilitated, so the Bali Police Chief decided to take firm action by dismissing members of the National Police. For this incident, Jansen hopes that all members of the National Police

and the State Civil Apparatus (ASN) of the Bali Police and its ranks will carry out their duties well, sincerely, and with a strong sense of responsibility.

The study addresses two main questions: First, it examines the responsibility of police members who commit crimes within the *Bali Regional Police* (Polda). This includes exploring the mechanisms of accountability, such as criminal liability through general courts and ethical sanctions imposed internally by the National Police Code of Ethics Commission (KKEP). Second, it investigates the obstacles faced in imposing sanctions on police members involved in criminal acts. These obstacles encompass internal challenges within the police structure, such as limited resources, personnel shortages, and budget constraints, as well as external factors like lack of evidence, witness reluctance, and community apathy. By analyzing these issues, the research aims to provide a comprehensive understanding of the complexities surrounding accountability and sanction enforcement for police misconduct in the *Bali Regional Police*. Research benefits include policy recommendations to strengthen police accountability and increase public trust, while also making academic contributions in the field of law and police studies.

RESEARCH METHOD

The research method used in this study was a normative research method that employed various types of primary legal materials, such as laws and regulations, and secondary legal materials, including literature related to criminal liability and sanctions for police members who committed criminal acts as sources of data. Johnny Ibrahim argued that normative legal research is a form of scientific inquiry aimed at finding the truth based on legal scientific logic from a normative perspective, or as an effort to identify law applicable to a particular case. The legal materials obtained were then analyzed descriptively, systematically, evaluatively, and argumentatively, presented clearly and logically in orderly, sequential, non-overlapping, and effective sentences to facilitate interpretation and comprehensive understanding. This research was also supported by empirical research.

RESULTS AND DISCUSSION

The Responsibility of Police Members Who Commit Crimes

Law is an order of life of the nation and state that includes many aspects of social, economic, political, cultural and security defense. Law seeks to regulate all aspects of human life in all forms, so that the objects regulated by law are very complex. The law regulates the interaction between human beings. Some social beings, in relation to the universe and its creator. In human interaction, sometimes there is behavior that is deviant and not in accordance with applicable norms, thus violating the order and peace of social life. Even those deviations lead to crime or criminality.

It should be noted that every member of the National Police of the Republic of Indonesia in carrying out their duties and authorities must be able to reflect the personality of the State Bhayangkara as a whole, namely the guardian and security warrior of the

Republic of Indonesia. The National Police of the Republic of Indonesia must live and animate the ethics of the police profession which is reflected in its attitude and behavior. The ethics of the police profession are formulated in the code of ethics of the National Police of the Republic of Indonesia which is a crystallization of the values contained in Tribrata and Catur Prasatya which are based and imbued with Pancasila.

Members of the police who commit criminal acts can be held criminally and code of ethics accountable. Criminal liability means that the police member will be tried in the general court in accordance with the criminal procedure law and can be sanctioned in accordance with the provisions of the criminal law. In addition, they can also be held accountable according to the code of ethics, which means they will be tried by the National Police Code of Ethics Commission and can be subject to disciplinary sanctions according to the violations committed. By committing a criminal act, in addition to violating criminal provisions, it means that members of the National Police also violate the Disciplinary Regulations and the Professional Code of Ethics

Unlawful acts that are within the legal corridor of the National Police discipline or violations of the code of ethics, the settlement is internally institutional, namely through disciplinary hearings and hearings of the Police Code of Ethics Commission (KKEP), the division is a disciplinary violation carried out based on the provisions of Government Regulation No. 2 of 2003 concerning Disciplinary Regulations for Members of the National Police of the Republic of Indonesia, Perkap No. 2 of 2016 concerning the Settlement of Disciplinary Violations of Police Members. while criminal acts are regulated in Government Regulation No. 3 of 2003. Regarding the Technical Implementation of General Justice Institutions for Police Members, this Government Regulation stipulates technical provisions regarding the implementation of General Justice for police members, including, the procedure, mechanism, and rights of police members who are defendants, determining that the examination for members of the National Police in criminal cases from the investigation level to trial is based on the provisions of Law Number 8 of 1981 concerning the Criminal Procedure Code. So, in the accountability of their profession, in addition to the general judicial mechanism, members of the National Police also go through the KEPP Session mechanism. The decision in the general court does not abort the responsibility of members of the National Police at the KEPP hearing. Therefore, it is very possible that there will be a double punishment for members of the National Police who commit criminal acts, namely receiving criminal sanctions (imprisonment) as well as code of ethics sanctions.

The severity of the light criminal sanctions received by members of the National Police of the Republic of Indonesia who commit criminal acts is in accordance with the seriousness, whether the criminal offense is committed and aggravated because the position is a police officer who has a function as a protector and protector of the community, should be more aware of the impact of the criminal acts they committed.

Obstacles to Imposing Sanctions for Police Members Who Commit Criminal Acts in the Bali Regional Police (Polda)

Obstacles to examining police members who commit criminal acts can be in the form of internal problems in the structure of the National Police, such as limited facilities and infrastructure, information networks, the number of personnel, and budget support. In addition, there are also external obstacles that come from the community, such as lack of evidence and witnesses, community apathy, and lack of support facilities

1. Internal

a. Personnel

Obstacles in terms of qualified and trained personnel of the Bali Police in conducting effective inspections. Constraints from the lack of special education obtained. Especially in the field of technology in drug handling, the implementation of special education is very limited with a fairly long time frame.

b. Budget

The lack of budget for police operations is one of the main factors that hinder investigators in uncovering new techniques for criminal acts, especially narcotics abuse committed by police members. The budget is very important because if the budget is lacking, then the quality of handling criminal offenders who are both members will not run optimally.

c. Facilities and Infrastructure

Lack of infrastructure, modern evidence discovery, and disconnected information networks can hinder the examination process.

d. Changes in the Rule of Law

Frequent changes in internal legal rules in the National Police, such as the Police Professional Code of Ethics, can cause multiple interpretations and complicate the examination process.

e. Terror

Members who in this case are police investigators, even though they have changed the appearance of the police members, are more easily recognized because every member of the police is in charge of the arrest, then automatically the member will be a witness in the trial. Therefore, members of the police who are investigators, especially in drug cases, will be easily detected by friends of members of the suspect group which is a network. One of the members of the network usually attends and mingles in the community to attend the trial of his theme who has been arrested so that the police members who are witnesses in the trial will be detected.

2. External Constraints (From the Community)

a. Difficulty in Getting Witnesses

The difficulty of obtaining information from witnesses, either due to fear, lack of information, or because they do not comply with the summons, can hinder the examination process.

b. Lack of Coercive Effort

The absence of coercive efforts, such as criminal proceedings, to present suspected offenders who do not comply with the summons, can slow down the examination process.

c. The apathy of the community

The public's apathy towards criminal acts committed by police members, such as a lack of reports or support, can hinder the examination process.

d. Fear of the Wife of a Police Member

In general, the wives of police officers often do not dare to report their husbands who commit moral violations because they are worried about the consequences of dismissal and the impact on domestic relationships.

CONCLUSION

Members of the National Police who commit criminal acts are held accountable both through the Police Code of Ethics and criminal liability, with cases resolved internally via disciplinary hearings conducted by the Indonesian State Police Code of Ethics Commission (KKEP) under relevant government regulations. Sanctions range from delayed promotions and demotions to dismissal without respect (PTDH). However, the Bali Police face internal challenges such as limited facilities, personnel shortages, inadequate information networks, and budget constraints, as well as external challenges including lack of evidence, witness reluctance, community apathy, and insufficient support systems. To improve accountability and public trust, the study recommends enhancing internal supervision by strengthening KKEP and Divpropam's roles, increasing budget and infrastructure investment (especially forensic technology and personnel training), promoting public awareness and witness protection, clarifying guidelines to reduce interpretative ambiguities, and fostering collaboration among police, prosecutors, and NGOs. Future research could focus on evaluating the effectiveness of these recommended interventions over time and exploring community-based strategies to further bridge gaps between police accountability mechanisms and public engagement.

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