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## Law Enforcement Revitalization In Indonesia

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### Abstract

The purpose of this article is to observe and see the law enforcement process and its implications for the state. Law enforcement has shown a negative trend towards indexation of democracy, which is getting worse because law enforcement is not right on target and enforcement does not consider the ethics of law enforcement. This research is normative research. This study only departs from the literature in accordance with the research as a source of information. The results of this study are that law enforcement that its image towards the community does not show the ethics of law enforcement and considers the position of Human Rights (HAM) so that the law enforcement process has implications for non-compliance with applicable norms and codes of ethics.

### Abstrak

Tujuan artikel ini untuk mengamati dan melihat proses penegakan hukum serta implikasinya terhadap negara. penegakan hukum hingga saat menunjukkan tren negatif terhadap indeksasi demokrasi semakin mundur akibat penegakan hukum tidak tepat sasaran dan penegakan tidak mempertimbangkan etika penegakan hukum. Penelitian ini adalah penelitian normatif. Penelitian ini hanya bertolak pada literatur sesuai dengan penelitian sebagai sumber informasi. Hasil penelitian ini bahwa penegakan hukum bahwa citranya terhadap masyarakat tidak memperlihatkan mengedapan etik penegakan hukum serta pertimbangan kedudukan Hak Asasi Manusia (HAM) sehingga proses penegakan hukum berimplikasi terhadap ketidakpatuhan pada norma-norma berlaku serta kode etik.

**Keywords: Law Enforcement, Revitalization, Human Rights, Law Enforcement**

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## Pendahuluan

Law enforcement often experiences problems in resolving cases within law enforcement agencies regarding the enforcement process. Putu Mira Rosviyana and Anak Agung Ketut Sukranatha report that the law enforcement process often suffers because justice does not show justice for small communities. Nanik Trihastuti and Pujiyono show that the paradigm of law enforcement on the pretext of Human Rights (HAM) is often the main reason when under pressure, so that the human rights argument becomes a fundamental tool for every litigant.<sup>1</sup> However, the enforcement process is also often uncertain, especially with reference to expediency and justice, one of the implications is that it can change the paradigm of law enforcement, many normative provisions become references in enforcement so that law enforcers are free to determine as they wish.<sup>2</sup>

In a study on law enforcement, Bambang Eko Nugroho and Munawar Kholil analyzed the law enforcement process in Indonesia that law enforcement cannot fulfill the element of justice based on actual facts because of cooperation (conspiracy) with law enforcement.<sup>3</sup> Aida Dewi, pointed out that the law enforcement process sometimes gives rise to approaches and/or views in achieving justice due to the separation between normative legal concepts and social law, these two paradigms are contradicted and become tools for law enforcement in enforcing.<sup>4</sup>

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<sup>1</sup> Nanik Trishastuti and Pujiyono, "Rekonstruksi Hukum Perlindungan Dan Penegakan Ham Bagi Ibu Rumah Tangga Terhadap Risiko Tertular Hiv/Aids Dari Suaminya," *Masalah-Masalah Hukum* 43, no. 4 (2014): 514–28.

<sup>2</sup> Fuji Sasmita et al., "Penegakan Hukum Operasi Tertangkap Tangan Terhadap Tindak Pidana Korupsi Oleh Satuan Tugas Sapu Bersih Pungutan Liar (Studi Kasus No.58/Pid.Sus-TPK/2017/PNMDN.)," *Usu Law Journal* 7, no. 3 (2019): 45–56.

<sup>3</sup> Bambang Eko Nugroho and Munawar Kholil, "Efektivitas Pendekatan Rule of Reason Dalam Penegakan Hukum Persekongkolan Tender Berdasarkan Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktik Monopoli Dan Persaingan Usaha Tidak Sehat," *Jurnal Privat Law* 7, no. 1 (2019): 80, <https://doi.org/10.20961/privat.v7i1.30108>.

<sup>4</sup> Aida Dewi, "Injustice Positivisme Perspektif Moral Dan Etika Dalam Sistem Penegakan Hukum Pidana Di Indonesia," *Legal Standing: Jurnal Ilmu Hukum* 3, no. 1 (2019): 1, <https://doi.org/10.24269/lis.v3i1.1664>.

However, Bayu Lesmana Taruna points out that the court's lack of social control over the problems at hand is the cause of injustice because the courts (judges) play a passive role and are waiting.<sup>5</sup>

Likewise, law enforcement measures often lead to injustice against litigants. Steps of injustice often arise because of discrimination faced by minority groups.<sup>6</sup> Likewise, the community does not have power over power so that ongoing law enforcement often violates (violates) the code of ethics of the legal profession such as the police, judges in court, and the prosecutor's office, as well as advocates as legal counsel. Therefore, the fulfillment of legal protection and assistance does not create a strong strategy in realizing justice because the perspective in the decision is dominated by those who have the power.<sup>7</sup>

Thus, the purpose of this article will be to look at the idealism of the law enforcement paradigm based on the ethical context (code of ethics) in law enforcement to a concern in the law enforcement process. Based on this, contextually, law enforcement, which should be a universal guideline for every commodity, both groups and individuals, must be positioned equally based on applicable law, regardless of social status as a consideration. Then, the legal process is of course guided by the code of ethics for law enforcement so that there are no conflicts or forms of injustice against the problematic parties, as well as paying attention to all parties to the provisions of human rights, so that there is no discrimination between one another in dealing with a problem.

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<sup>5</sup> Bayu Lesmana Taruna, "Eksaminasi Publik Sebagai Kontrol Dalam Penegakan Hukum Di PTUN," *Jurnal Legalitas* 4, no. 2 (2012): 16–34, <http://ejournal.ung.ac.id/index.php/JL/article/view/872>.

<sup>6</sup> Yolla and Aji Wibowo, "Perlindungan Dan Penegakan Hak Asasi Manusia Bagi Etnis Rohingnya Yang Tidak Memiliki Kewarganegaraan Menurut Hukum Internasional," *Jurnal Hukum Adigama* 5, no. 2 (2021): 12–34.

<sup>7</sup> Udiyo Basuki, "Penegakan Hukum Atas Tindak Pidana Perdagangan Orang Perspektif Hak Asasi Manusia," *Varia Justicia* 13, no. 2 (2017): 132–46, <https://doi.org/10.31603/variajusticia.v13i2.1887>.

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### **Metode**

This research uses normative literature research. This research works at the level of analysis related to law enforcement in Indonesia. This research data collection started on document studies of journals so that this research data only focused on secondary data to explore related information needed in this research. Likewise, the data analysis of this research is an analysis of law enforcement and its effect on indexation of democracy because this is an inseparable unit.

## Hasil dan Pembahasan

### A. Indonesian Law Enforcement

Law enforcement in the law enforcement environment has prerogative power over the case or case at hand. The prerogative right of law enforcers, especially judges, is that they are given the authority to interpret the law if elements of law are not found in cases that can provide accurate certainty.<sup>8</sup> However, the prerogative right of course is that law enforcers have a measured basis before imposing a sentence on one of the litigants, because law enforcers are required to be based on the values of justice, expediency, and certainty in their decisions, and do not abide by the applicable laws and regulations.<sup>9</sup> Therefore, the prerogative of law enforcement is not allowed to result in the decision giving rise to new cases so that it becomes a polemic in the law enforcement system.

Vivin Arianti shows that the goal of law enforcement is that the main achievement is the values of justice for all citizens. The achievement of the value of justice is to create peace and tranquility. Therefore, the creation of justice is conceptually starting from the applicable legal system, objective and transparent law enforcement elements, community support (legal awareness), and community culture and habits that lead to positive values.<sup>10</sup>

Current pattern of law enforcement. Olivia Anggie Johar points out three main points of the negative image of law enforcement in Indonesia, namely (1) Intervention of power and politics, this shows that law enforcement is dominated by external parties when cases are faced by law enforcement so that the law enforcement process is not independent. (2) The existence of a judicial mafia that controls the process when the judicial process takes place, thus ensuring that law enforcers comply with the values of justice are difficult to materialize according to what is expected by the litigants especially the community. (3) Human Resources as a supporting factor is also a problem, not due to lack of resources, but

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<sup>8</sup> Abdul Jalil, "Penegakan Hukum Di Pengadilan Dan Dimensi Spiritualitasnya (Aspek Yang Sering Terlupakan)," *Administrative Law and Governance Journal* 4, no. 2 (2021): 313–25.

<sup>9</sup> Anna Triningsih, "Pengadilan Sebagai Lembaga Penegakan Hukum ( Perspektif Civil Law Dan Common Law ) Institution ( Perspective of Civil Law and Common Law )," *Jurnal Konstitusi* 12, no. 1 (2015): 134–53, <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1218>.

<sup>10</sup>Vivi ariyanti, "Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana Indonesia," *Jurnal yuridis* 6, no. 2 (2019): 33–54.

integrity is an important point during the law enforcement process, because cases are processed by law enforcers who are in law enforcement agencies.<sup>11</sup>

While law enforcement actions based on Yasin al Arif's report that law enforcement is motivated by two fundamental things (1) Law enforcement behavior is related to corrupt behavior as a mindset (2) The legal system that is applied is still focused on enforcement which is legalistic-positivistic.<sup>12</sup> Enforcement is not oriented towards justice due to the large number of involvement of certain parties thus affecting the law enforcement process.<sup>13</sup>

### **B. Law Enforcement Is Equality Before Law**

The law enforcement process that law enforcers have standing points can be considered in carrying out legal justice. Law enforcement matters of fundamental concern is the justice side of every litigant regardless of the social strata of every violation and/or mistake. In carrying out the duties and responsibilities in law enforcement that one of the ethical considerations that every law enforcer must have, it is most urgent to prioritize intellectual, expertise, and skills gained from experience.<sup>14</sup>

Law enforcement measures become a concern to be improved, namely prioritizing morality and ethics towards law enforcers and the community. However, an obstacle and often occurs in the law

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<sup>11</sup> Olivia Anggie Johar, "Realitas Permasalahan Penegakan Hukum Lingkungan Di Indonesia," *Jurnal Ilmu Lingkungan* 15, no. 1 (2021): 54, <https://doi.org/10.31258/jil.15.1.p.54-65>.

<sup>12</sup> M. Yasin Al Arif, "Penegakan Hukum Dalam Perspektif Hukum Progresif," *Undang: Jurnal Hukum* 2, no. 1 (2019): 169–92, <https://doi.org/10.22437/ujh.2.1.169-192>.

<sup>13</sup> Kaston Rudy Samosir, Ediwarman Ediwarman, and Taufik Siregar, "Analisis Hukum Mengenai Tindak Pidana Anak Yang Terlibat Geng Motor Sebagai Upaya Penegakan Hukum," *Journal of Education, Humaniora and Social Sciences (JEHSS)* 4, no. 2 (2021): 1113–21, <https://doi.org/10.34007/jehss.v4i2.819>.

<sup>14</sup> Dewi Hendrawati Enel Reza Hafidzan, Ery Agus Priyono, "Penegakan Hukum Yang Dilakukan Polrestabes Semarang Terhadap Tindak Pidana Pemerasan Dan Pengancaman Di Jalan Raya," *Diponegoro Law Journal* 6, No. 2 (2016): 1–13, [https://www.academia.edu/34113996/Eksistensi\\_Hukum\\_Kontrak\\_Innominat\\_Dalam\\_Ranah\\_Bisnis\\_Di\\_Indonesia](https://www.academia.edu/34113996/Eksistensi_Hukum_Kontrak_Innominat_Dalam_Ranah_Bisnis_Di_Indonesia).

enforcement process is the existence of a dysfunctional form of law enforcement. This means that law enforcement does not play a role and function and is responsible for its functions in law enforcement agencies.<sup>15</sup>

Law enforcers (prosecutors, police, and judges) that in cases of violence, attitudes that often appear are gender biased attitudes by using a victim blaming and victim participating approach in dealing with cases of violence. In the settlement of these criminal cases, law enforcers are too focused on the normative aspects of the law rather than the form of justice for the victims. One of the problems that law enforcers often encounter is that sometimes they have difficulty distinguishing between perpetrators and victims. Therefore, the lack of a sense of fairness and justice towards the perpetrators and victims is so reluctant to report if there is harassment and/or related to crime. The existence of these doubts is a setback in enforcing the law and allowing criminal acts to run rampant because there is an unhealthy system in law enforcement agencies.<sup>16</sup>

Jimmy Asshidiqie showed that the mechanism for working law enforcement effectively is based on three main components (1) support for facilities and infrastructure that work institutionally by prioritizing measurable mechanisms. (2) strong work culture and apparatus welfare. (3) supporting legal instruments and regulations from the ministry of law and human rights as quality standards for law enforcement. So based on the three mechanisms, it shows that law enforcement should work systemically and simultaneously according to the three standards to create ethics towards law enforcement.

Law enforcement often raises the subject matter of the large number of similar cases which are resolved by different legal approaches, while these cases have the same events and the same type of cases. So

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<sup>15</sup> Dindin M Hardiman, "Asas Ultimum Remidium Dalam Penegakan Hukum Administrasi Perlindungan Dan Pengelolaan Lingkungan Hidup," *Jurnal Ilmiah Galuh Justisi* 4, no. 2 (2017): 257, <https://doi.org/10.25157/jigi.v4i2.319>.

<sup>16</sup> Susi Delmiati, "Kebijakan Penegakan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga," *Jurnal Litigasi* 17, no. 1 (2016): 3221–3255.

that the implementation of the law depends on its realization depending on the judiciary in each region. D. Simons revealed that interpreting and applying legislation as a true approach when there are similar cases can ease the work of law enforcement and the achievement of justice for justice seekers can be realized properly without causing disappointment to the litigants. While looking for other elements apart from legislation, it will have an impact on decisions regarding the types of sanctions against litigants.<sup>17</sup>

The emergence of distrust and doubt in reporting or providing information to law enforcers that there is an unhealthy system for the internal law enforcers. One of the influencing factors is that many articles are found to have multiple meanings, meaning that the existence of multiple interpretations of legislation is an opportunity for law enforcement and everyone to take action according to their wishes.

According to Achmad Guntur, he is a judge, showing that in every case the judge makes a decision based on the indictment, this is a principle. When a person's actions are not indicted, the judge does not try something that is not indicted. Based on the indictment in the decision, what was indicted was the order, from the facts to be used alone and not to be circulated or traded, the charges that were proven in court were the ones who were punished. By pocketing concrete and accurate facts in law enforcement that the process does not look at the social position of the parties but is based on the truth.

Law enforcement in resolving civil and criminal cases often occurs which does not lead to justice and refers to normative provisions so that the law enforcement process looks very rigid and still far from justice orientation. The data shows that the ongoing process of injustice to the law enforcement process is caused by the declining democracy index.

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<sup>17</sup> Renza Ardhita Dwinanda, "Penegakan Hukum Pidana Terhadap Penyebaran Berita Bohong Di Sosial Media," *Jurnal Panorama Hukum* 4, no. 2 (2019): 114–23, <https://doi.org/10.21067/jph.v4i2.3902>.

Indonesia's Democracy Index		
NO.	TAHUN	INDEKS
1.	2009	67,30 %
2.	2010	63,17 %
3.	2011	65,48 %
4.	2012	62,63 %
5.	2013	63,72 %
6.	2014	73,04 %
7.	2015	72,82 %
8.	2016	70,09 %
9.	2017	72,11 %
10.	2018	72,39 %
11.	2019	74,92 %
12.	2020	73,66 %

Based on the index of democracy in Indonesia, it shows that the practice of democracy in Indonesia has decreased and has an impact on the law enforcement process. One of the causes of the negative increase in the democracy index in Indonesia is coercion through criminal prosecution through violations of the ITE Law. Edwin Pardede, Eko Sopyonyono, and Budhi Wisaksono show that the law enforcement process is based on sara violations, defamation, and immorality that the ITE Law is close to criminal law (KUHP).<sup>18</sup> The concept of defamation and humiliation in the Criminal Code explains as follows:

- (1) *Any person who deliberately attacks a person's honor or reputation by accusing him of something, with the intention of making it public, is threatened with defamation with a maximum imprisonment of nine months or a maximum fine of three hundred rupiahs.*
- (2) *If this is done in writing or with an image that is broadcast, shown or posted in public, the person who is guilty of written defamation shall be punished with imprisonment for a maximum of one year and four months or a maximum fine of three hundred rupiahs.*
- (3) *It does not constitute defamation or written defamation, if the act is clearly carried out in the public interest or because one is forced to defend oneself.*

<sup>18</sup> Edwin Pardede, Eko Sopyonyono, and Budhi Wisaksono, "Kebijakan Hukum Pidana Dalam Upaya Penegakan Tindak Pidana Pencemaran Nama Baik Melalui Twitter," *Diponegoro Law Review* 5, no. 3 (2016): 1–13.

Enforcement based on applicable law Edwin Pardede, Eko Soponyono, and Budhi Wisaksono some of their exploration results show that provisions are often used as an excuse to enforce, among others: *First, attack the honor or good name of others. Second, accuse of doing certain actions. Third, with a real intention to be known by the public.*<sup>19</sup> However, I Gusti Ngurah Agung Prawira Suryaditha<sup>1</sup>, I Nyoman Suyatna<sup>2</sup>, and Cokorda Dalem Dahana analyzed that the law enforcement process is aimed at realizing real and concrete norms in people's lives without violating the provisions of one's morality and the image of the institution on the level of public trust. The image of the institution in law enforcement efforts to avoid preventive and repressive actions, and to realize real justice.<sup>20</sup>

### **C. Law Enforcement Code of Ethics**

The manifestation of ethics in law enforcement is measured using a predetermined operational code of ethics. A professional code of ethics is a standard that is followed and accepted by professional organizations that submit or give instructions to their members. In general, it gives its members instructions on how to practice their profession. However, the general principles formulated in a profession will differ from one another. The professional code of ethics is as follows: The result of self-regulation of the profession in question, is effective if inspired, the formulation of human moral norms, becomes a benchmark for the actions of group members and efforts to prevent unethical acts for its members.<sup>21</sup>

The law enforcement code of ethics should be a paradigm and ethics for law enforcement, so that the law enforcement code of ethics becomes a social control, enlightenment rather than interference from other parties, and as a form of domain so that there is no misunderstanding in the form of conflict. As a result, the professional

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<sup>19</sup> Pardede, Soponyono, and Wisaksono.

<sup>20</sup> I Gusti Prawira Agung Ngurah, I Nyoman Suyatna, and Cokorda Dalem Dahana, "Penegakan Hukum Terhadap Tindakan Mencoret Fasilitas Umum Sebagai Pelanggaran Ketertiban Umum Di Kota Denpasar," *Jurnal Kertha Negara* 4, no. 2 (2019): 13.

<sup>21</sup> Niru Anita Sinaga, "Kode Etik Sebagai Pedoman Pelaksanaan Profesi Hukum Yang Baik," *Ilmiab Hukum Dirgantara* 10, no. 2 (2020): 1–34.

principle of all law enforcement personnel is that the function of the code of ethics is the most ideal criterion.<sup>22</sup> The code of ethics serves to prevent horizontal conflicts between members of the community as they realize and carry out their responsibilities as law enforcers.

In carrying out their duties as law enforcers, they are required to adhere to the following standards: humanity, justice, decency, and honesty. In addition to the foregoing, law enforcement officers follow the code of ethics as they should. Supervision is carried out; if a violation occurs, sanctions must be imposed. Because the code of ethics is part of positive law, the norms of law enforcement apply to its enforcement as well.

However, in practice sometimes it does not go well and even causes problems where the code of ethics is not used as a guide for the implementation of the legal profession. In its application also sometimes experience obstacles or obstacles. This kind of thing requires legal means to solve it. The existence of the law is very necessary to be respected and the principles of the law are upheld. The principles or principles in the law function as the protection of the public interest. The hope of obeying the law in practice should go well.<sup>23</sup>

The extent to which justice seekers receive legal protection if problems arise in the implementation of the law and the code of ethics is the benchmark for this principle. They frequently do not apply the principles or principles regulated in the professional code of ethics in the settlement. To overcome these issues, a solution is required in order to achieve the goal of law and the development of a professional code of ethics, namely justice.<sup>24</sup>

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<sup>22</sup> Sasmita et al., “Penegakan Hukum Operasi Tertangkap Tangan Terhadap Tindak Pidana Korupsi Oleh Satuan Tugas Sapu Bersih Pungutan Liar (Studi Kasus No.58/Pid.Sus-TPK/2017/PNMDN).”

<sup>23</sup> Dimas B Samuel Simanjuntak, Syafruddin Kalo, and Mahmud Mulyadi, “Penegakan Hukum Tindak Pidana Narkotika Di Kalangan Mahasiswa Pada Wilayah Hukum Polrestabes Medan,” *Usu Law Journal* 7, no. 5 (2019): 30–45.

<sup>24</sup> Salma, “Urgensi Etika Profesi Hakim Dalam Penegakan Hukum Di Indonesia,” *JPPi (Jurnal Pendidikan Islam Pendekatan Interdisipliner)* 1, no. 1 (2016): 46–55, <https://jppi.ddipolman.ac.id/index.php/jppi/article/view/7>.

#### **D. Law Enforcement Process Code of Ethics**

The legal profession strives to create and maintain a just order in people's lives. Profession as law enforcement that the most urgent values are the values of honesty, authenticity, responsibility, morality, and the courage to uphold justice. so that the legal profession is an effort to realize and maintain order and justice in people's lives. Therefore, ethical values are highly emphasized on law enforcement in carrying out law enforcement.<sup>25</sup>

The development of a person's profession depends entirely on the person concerned about what he does to develop his profession. He personally has full responsibility for the quality of his professional services. A person who carries the legal profession must be a person who can be fully trusted, that he (legal professional) will not abuse the existing situation. Professional development must be carried out with dignity, and he must mobilize all the knowledge and scientific abilities available to him, because the task of the legal profession is a social task that is directly related to basic values which are the embodiment of human dignity, and therefore professional service is also law. require public scrutiny. If the professional bearer carries out his profession properly, then the person is said to be a professional.<sup>26</sup>

According to Bertens, a professional code of ethics is a standard that is established and accepted by professional groups that directs or instructs its members on how to act while also ensuring the moral quality of the profession in the eyes of the public. A professional code of ethics is a standard that is followed and accepted by professional organizations

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<sup>25</sup> Umar Dinata, "Pelaksanaan Penegakan Hukum Bagi Anggota Kepolisian Yang Melanggar Kode Etik Dalam Penyalahgunaan Narkotika," *Angewandte Chemie International Edition* 6, no. 2 (2018): 85–100.

<sup>26</sup> Henny Pertiwi Gani and Abdul Gani Abdullah, "Mekanisme Penegakan Hukum Terhadap Hakim Yang Melakukan Pelanggaran Kode Etik Di Mahkamah Konstitusi Yang Memenuhi Unsur Pidana (Studi Putusan Nomor. 01/MKMK-SPL/II/2017)," *Jurnal Hukum Adigama* 3, no. 2 (2020): 1173–96.

that submit or give instructions to their members. In general, this code of ethics instructs its members on how to practice their profession.<sup>27</sup>

However, it can be stated that the general principles formulated in a profession will differ from one another. What is the main purpose of the ethical formulation outlined in the professional code of ethics? There are several standards for the main goals of professional ethics, which are as follows: First, ethical standards define and define responsibilities to clients, institutions, and society in general; second, ethical standards assist professional professionals in determining what to do if they face ethical dilemmas in their work; third, ethical standards protect the reputation or name and function of the profession in society against the evil behavior of certain members; and fourth, ethical standards reflect the moral respect of the community. Fifth, ethical standards are the foundation for sustaining the.<sup>28</sup>

However, many law enforcement consider that the process does not reflect the ethics of law enforcement and/or the code of ethics for law enforcement. This is based on the principle that it must be applied by law enforcement institutions and law enforcers themselves, among others:<sup>29</sup>

1. Behave fairly, the law enforcement process can place the value of justice for each individual according to the level of sanctions and violations as a form of upholding the values and dignity of law enforcement.
2. Behave honestly, the law enforcement process must dare to reveal and state the truth.
3. Behave wisely and wisely, every enforcement that certain considerations can be taken by law enforcers such as community

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<sup>27</sup> Sinaga, "Kode Etik Sebagai Pedoman Pelaksanaan Profesi Hukum Yang Baik."

<sup>28</sup> Sabungan Sibarani, "Analisis Hukum Terhadap Korban Salah Tangkap (Error in Persona) Dalam Putusan No. 2161 k/Pid/2012," *Justitia Et Pax Jurnal Hukum* 34, no. 2 (2018): 271–88.

<sup>29</sup> Heriyono, "Urgensi Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Berkeadilan Di Indonesia," *Jurnal Kepastian Hukum Dan Keadilan* 2, no. 2 (2021): 5–24.

norms, religion, law, custom, and dignity. Bersikap mandiri, etika penegakan hukum bahwa dituntut instutisi dan penegak hukum berperilaku mandiri tanpa pengaruh dan tekanan pihak lain.

4. High integrity, loyalty and toughness to adhere to the prevailing values or norms when performing a task.
5. Being responsible means having the courage to take a stand and make decisions to face the consequences for their enforcement.
6. Upholding self-respect, Self-respect means that the law enforcement process continues to prioritize dignity and honor values to be upheld by every individual.
7. High discipline, Discipline means obedience to the rules that are believed to be guidelines.
8. Behaving humbly, Humility means awareness of the limitations of one's abilities, far from perfection and avoiding any form of arrogance.

Be professional, Professional means a moral attitude based on a determination to carry out the work chosen with sincerity, which is supported by expertise on the basis of knowledge, skills and broad insight.

In the current era of modernization and globalization, law enforcement can ensure legal certainty, order, and legal protection if various dimensions of legal life always maintain harmony, balance, and harmony between civil morality based on actual values in civilized society. Criminal law enforcement must be viewed as a criminal justice system as a process of activity that involves various parties, including the community, in order to achieve goals.<sup>30</sup>

Law enforcement is defined as a process that is essentially an application that involves making decisions that are not strictly governed by the rule of law but do include elements of personal judgment (Wayne La-Favre). The essence and meaning of law enforcement, conceptually,

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<sup>30</sup> Siti Maemunah, "Penegakan Hukum Terhadap Pelanggaran Kode Etik Yang Dilakukan Oleh Advokat," *Jurnal JURISTIC* 2, no. 2 (2021): 179–200, <http://jurnal.untagsmg.ac.id/index.php/JRS/article/view/2539>.

lies in the activity of harmonizing the relationship of values that are outlined in solid rules and attitudes of action as a series of elaboration of the final stage of values, in order to create, give birth to, and maintain peaceful social life.<sup>31</sup>

However, psychological violence is mostly carried out by investigators with the intention of obtaining confessions or information from suspects. Through the expression of words that are rude, disrespectful, or through gestures that show ridicule, insults, even swearing or swearing. One suspect revealed that during his interrogation, he was looked down upon, despised by investigators, and did not respect him as a human. Another behavior was to be manipulated psychologically by turning him into a ping-pong ball. Cases that should be civil cases are forced to become criminal cases. The evidence points to that, but the investigators don't want to know.<sup>32</sup>

Based on the facts above, investigative violence as a form of deviant behavior seems to still be a practice in the police's duties. Recognition or information provided by police informants during the investigation is standard and unit information. That is, always trying to deny or deny the existence of violence in the investigation. Several reporters said that violence was not the main issue of the investigation, because there was a change in the suspect's confession which was not the main issue of the investigation. However, even in the event of violence, the informant said so, in the discretion or exercise of the police's right to act in the circumstances and conditions permitted by law. Indeed, its application in interpretation and discretionary investigations can be discussed, especially if its application violates the suspect's human rights.<sup>33</sup>

### **E. Enforcement Prioritizes Human Rights**

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<sup>31</sup> Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: PT. Rajagrafindo Persada, 2012). h. 5.

<sup>32</sup> Agus Raharjo and Angkasa, "Profesionalisme Polisi Dalam Penegakan Hukum," *Jurnal Dinamika Hukum* 11, no. 3 (2011): 389–401, <https://doi.org/10.20884/1.jdh.2011.11.3.167>.

<sup>33</sup> Raharjo and Angkasa.

The values of human rights (HAM) should ideally be the initial goals that must be fought for and also applied to oneself in carrying out their duties and responsibilities by law enforcement officials. Hadiprayitno emphasized that law enforcement human rights in the context of human rights do not discriminate and provide the same space and protection as humans in law enforcement. Human Rights Law protects the rights to equality, to life, to justice, to individual freedom in the face of slavery, to religion, political beliefs and freedom of expression. In terms of economic, social and cultural rights, various internationally recognized rights, such as property rights, are also guaranteed by this law.<sup>34</sup>

The component of rights projected on the conception of human rights that there is a lot of discrimination against minority groups and religious adherents becomes the target of political victims. So that the practice of human rights violations is sometimes not a serious concern, because human rights violations are usually dichotomy by political interests so that it is difficult for someone to demand their rights, let alone fight for their rights.

Human rights are thought of as a set of goals where every citizen can advance these goals, and for him, human rights are the articulation of ethical demands that are open in nature. Sen's comments support cultural relativism because the goals to be achieved in human rights must pay attention to the values contained in citizens.<sup>35</sup> The reasons underlying Sen's comments are that each culture, tradition or religion has its own distinct characteristics of ethics and morality. Like that which later gave birth to pluralist values about human rights. Each person who practices

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<sup>34</sup> Irene Istiningsih Hadiprayitno, "Defensive Enforcement: Human Rights in Indonesia," *Human Rights Review* 11, no. 2 (2010): 373–99.

<sup>35</sup> Yolla and Wibowo, "Perlindungan Dan Penegakan Hak Asasi Manusia Bagi Etnis Rohingnya Yang Tidak Memiliki Kewarganegaraan Menurut Hukum Internasional."

value pluralism is also physically, psychologically, or has a different economic background and area.<sup>36 37</sup>

In fact, there are still many human rights cases in Indonesia that have not been resolved. Some of the obstacles that can be interpreted and trigger the difficulty of resolving cases of gross human rights violations in Indonesia Law enforcement in Indonesia is still weak, it is difficult to free judicial institutions from the practice of KKN in the near future, and there is still a strong influence from the rest of the previous government, such as human rights violations. It is difficult to bring perpetrators to justice through existing law enforcement agencies and tends to be deadlocked. In terms of the atmosphere and conditions in Indonesia, especially learning, many have not reached the norm and tend to be easily caught and exploited by certain parties who want to restore the authoritarian regime. This does not allow Indonesia to adopt the “silence plot” that has been attempted by Mozambique and South Korea. People in such situations want to make similar mistakes in the future.

### **Kesimpulan**

The basic factor for reviewing the pattern of law enforcement does not work in accordance with public expectations is seen from the declining aspect of the democracy index. The declining democracy index greatly affects law enforcement that is not going well. Because there is discrimination and forms of community equality before the law. Therefore, ideally the law enforcement paradigm is that law enforcers put forward an equality of a person against the law so that they have the same opportunity to defend themselves regardless of their social status. Second, the ideal provision for law enforcement to process and provide assistance is to adhere to the code of ethics that has been set so that there are no conflicts of interest and/or undesirable things. Third, holding fast

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<sup>36</sup> Ridwan Arifin, Rasdi Rasdi, and Riska Alkadri, “Tinjauan Atas Permasalahan Penegakan Hukum Dan Pemenuhan Hak Dalam Konteks Universalime Dan Relativisme Hak Asasi Manusia Di Indonesia,” *Jurnal Ilmiah Hukum LEGALITY* 26, no. 1 (2018): 17, <https://doi.org/10.22219/jihl.v26i1.6612>.

<sup>37</sup> An-Na‘im and Abdullahi Ahmed, *Toward an Islamic Reformation, Civil Liberties, Human Rights, and International Law* (New York: Syracuse University Press, 1990).

to human rights, which means giving full rights and making demands according to the level of law and prosecuting the guilty according to applicable legal provisions.

#### **Daftar Pustaka**

- An-Na'im, and Abdullahi Ahmed. *Toward an Islamic Reformation, Civil Liberties, Human Rights, and International Law*. New York: Syracuse University Press, 1990.
- Arif, M. Yasin Al. "Penegakan Hukum Dalam Perspektif Hukum Progresif." *Undang: Jurnal Hukum* 2, no. 1 (2019): 169–92. <https://doi.org/10.22437/ujh.2.1.169-192>.
- Arifin, Ridwan, Rasdi Rasdi, and Riska Alkadri. "Tinjauan Atas Permasalahan Penegakan Hukum Dan Pemenuhan Hak Dalam Konteks Universalime Dan Relativisme Hak Asasi Manusia Di Indonesia." *Jurnal Ilmiah Hukum LEGALITY* 26, no. 1 (2018): 17. <https://doi.org/10.22219/jihl.v26i1.6612>.
- Basuki, Udiyo. "Penegakan Hukum Atas Tindak Pidana Perdagangan Orang Perspektif Hak Asasi Manusia." *Varia Justicia* 13, no. 2 (2017): 132–46. <https://doi.org/10.31603/variajusticia.v13i2.1887>.
- Delmiati, Susi. "Kebijakan Penegakan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga." *Jurnal Litigasi* 17, no. 1 (2016): 3221–55.
- Dewi, Aida. "Injustice Positivisme Perspektif Moral Dan Etika Dalam Sistem Penegakan Hukum Pidana Di Indonesia." *Legal Standing: Jurnal Ilmu Hukum* 3, no. 1 (2019): 1. <https://doi.org/10.24269/lis.v3i1.1664>.
- Dinata, Umar. "Pelaksanaan Penegakan Hukum Bagi Anggota Kepolisian Yang Melanggar Kode Etik Dalam Penyalahgunaan Narkotika." *Angewandte Chemie International Edition* 6, no. 2 (2018): 85–100.
- Dwinanda, Renza Ardhita. "Penegakan Hukum Pidana Terhadap Penyebaran Berita Bohong Di Sosial Media." *Jurnal Panorama Hukum* 4, no. 2 (2019): 114–23. <https://doi.org/10.21067/jph.v4i2.3902>.
- Enel Reza Hafidzan, Ery Agus Priyono, Dewi Hendrawati. "Penegakan Hukum Yang Dilakukan Polrestabes Semarang Terhadap Tindak Pidana Pemerasan Dan Pengancaman Di Jalan Raya." *Diponegoro Law Journal* 6, no. 2 (2016): 1–13. [https://www.academia.edu/34113996/EKSISTENSI\\_HUKUM\\_KONTRAK\\_INNOMINAT\\_DALAM\\_RANAH\\_BISNIS\\_DI\\_INDONESIA](https://www.academia.edu/34113996/EKSISTENSI_HUKUM_KONTRAK_INNOMINAT_DALAM_RANAH_BISNIS_DI_INDONESIA).

- Gani, Henny Pertiwi, and Abdul Gani Abdullah. "Mekanisme Penegakan Hukum Terhadap Hakim Yang Melakukan Pelanggaran Kode Etik Di Mahkamah Konstitusi Yang Memenuhi Unsur Pidana (Studi Putusan Nomor. 01/MKMK-SPL/II/2017)." *Jurnal Hukum Adigama* 3, no. 2 (2020): 1173–96.
- Hadiprayitno, Irene Istiningih. "Defensive Enforcement: Human Rights in Indonesia." *Human Rights Review* 11, no. 2 (2010): 373–99.
- Hardiman, Dindin M. "Asas Ultimatum Remidium Dalam Penegakan Hukum Administrasi Perlindungan Dan Pengelolaan Lingkungan Hidup." *Jurnal Ilmiah Galub Justisi* 4, no. 2 (2017): 257. <https://doi.org/10.25157/jigj.v4i2.319>.
- Heriyono. "Urgensi Etika Profesi Hukum Sebagai Upaya Penegakan Hukum Yang Berkeadilan Di Indonesia." *Jurnal Kepastian Hukum Dan Keadilan* 2, no. 2 (2021): 5–24.
- Jalil, Abdul. "Penegakan Hukum Di Pengadilan Dan Dimensi Spiritualitasnya (Aspek Yang Sering Terlupakan)." *Administrative Law and Governance Journal* 4, no. 2 (2021): 313–25.
- Johar, Olivia Anggie. "Realitas Permasalahan Penegakan Hukum Lingkungan Di Indonesia." *Jurnal Ilmu Lingkungan* 15, no. 1 (2021): 54. <https://doi.org/10.31258/jil.15.1.p.54-65>.
- Maemunah, Siti. "Penegakan Hukum Terhadap Pelanggaran Kode Etik Yang Dilakukan Oleh Advokat." *Jurnal JURISTIC* 2, no. 2 (2021): 179–200. <http://jurnal.untagsmg.ac.id/index.php/JRS/article/view/2539>.
- Ngurah, I Gusti Prawira Agung, I Nyoman Suyatna, and Cokorda Dalem Dahana. "Penegakan Hukum Terhadap Tindakan Mencoret Fasilitas Umum Sebagai Pelanggaran Ketertiban Umum Di Kota Denpasar." *Jurnal Kertha Negara* 4, no. 2 (2019): 13.
- Nugroho, Bambang Eko, and Munawar Kholil. "Efektivitas Pendekatan Rule of Reason Dalam Penegakan Hukum Persekongkolan Tender Berdasarkan Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktik Monopoli Dan Persaingan Usaha Tidak Sehat." *Jurnal Privat Law* 7, no. 1 (2019): 80. <https://doi.org/10.20961/privat.v7i1.30108>.
- Pardede, Edwin, Eko Soponyono, and Budhi Wisaksono. "Kebijakan Hukum Pidana Dalam Upaya Penegakan Tindak Pidana Pencemaran Nama Baik Melalui Twitter." *Diponegoro Law Review* 5, no. 3 (2016): 1–13.

- Raharjo, Agus, and Angkasa. "Profesionalisme Polisi Dalam Penegakan Hukum." *Jurnal Dinamika Hukum* 11, no. 3 (2011): 389–401. <https://doi.org/10.20884/1.jdh.2011.11.3.167>.
- Salma. "Urgensi Etika Profesi Hakim Dalam Penegakan Hukum Di Indonesia." *JPPi (Jurnal Pendidikan Islam Pendekatan Interdisipliner)* 1, no. 1 (2016): 46–55. <https://jppi.ddipolman.ac.id/index.php/jppi/article/view/7>.
- Samosir, Kaston Rudy, Ediwarman Ediwarman, and Taufik Siregar. "Analisis Hukum Mengenai Tindak Pidana Anak Yang Terlibat Geng Motor Sebagai Upaya Penegakan Hukum." *Journal of Education, Humaniora and Social Sciences (JEHSS)* 4, no. 2 (2021): 1113–21. <https://doi.org/10.34007/jehss.v4i2.819>.
- Sasmita, Fuji, Ediwarman, M. Hamdan, and Edi Yunara. "Penegakan Hukum Operasi Tertangkap Tangan Terhadap Tindak Pidana Korupsi Oleh Satuan Tugas Sapu Bersih Pungutan Liar (Studi Kasus No.58/Pid.Sus-TPK/2017/PNMDN.)." *Usu Law Journal* 7, no. 3 (2019): 45–56.
- Sibarani, Sabungan. "Analisis Hukum Terhadap Korban Salah Tangkap (Error in Persona) Dalam Putusan No. 2161 k/Pid/2012." *Justitia Et Pax Jurnal Hukum* 34, no. 2 (2018): 271–88.
- Simanjuntak, Dimas B Samuel, Syafruddin Kalo, and Mahmud Mulyadi. "Penegakan Hukum Tindak Pidana Narkotika Di Kalangan Mahasiswa Pada Wilayah Hukum Polrestabes Medan." *Usu Law Journal* 7, no. 5 (2019): 30–45.
- Sinaga, Niru Anita. "Kode Etik Sebagai Pedoman Pelaksanaan Profesi Hukum Yang Baik." *Ilmiah Hukum Dirgantara* 10, no. 2 (2020): 1–34.
- Soekanto, Soerjono. *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: PT. Rajagrafindo Persada, 2012.
- Taruna, Bayu Lesmana. "Eksaminasi Publk Sebagai Kontrol Dalam Penegakan Hukum Di PTUN." *Jurnal Legalitas* 4, no. 2 (2012): 16–34. <http://ejurnal.ung.ac.id/index.php/JL/article/view/872>.
- Triningsih, Anna. "Pengadilan Sebagai Lembaga Penegakan Hukum ( Perspektif Civil Law Dan Common Law ) Institution ( Perspective of Civil Law and Common Law )." *Jurnal Konstitusi* 12, no. 1 (2015): 134–53. <https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/1218>.
- Trishastuti, Nanik, and Pujiyono. "Rekonstruksi Hukum Perlindungan Dan Penegakan Ham Bagi Ibu Rumah Tangga Terhadap Risiko

- Tertular Hiv/Aids Dari Suaminya.” *Masalah-Masalah Hukum* 43, no. 4 (2014): 514–28.
- vivi ariyanti. “Kebijakan Penegakan Hukum Dalam Sistem Peradilan Pidana Indonesia.” *Jurnal Yuridis* 6, no. 2 (2019): 33–54.
- Yolla, and Aji Wibowo. “Perlindungan Dan Penegakan Hak Asasi Manusia Bagi Etnis Rohingnya Yang Tidak Memiliki Kewarganegaraan Menurut Hukum Internasional.” *Jurnal Hukum Adigama* 5, no. 2 (2021): 12–34.