

THE APPLICATION OF CRIMINOLOGY TO VIOLATIONS OF PROFESSIONAL CODE OF ETHICS BY POLICE PERSONNEL

Dwi Bintang Nugroho¹, Puti Priyana², Candra Hayatul Iman³
^{1,2,3}Singaperbangsa Karawang University, Faculty of Law, Karawang, Indonesia
dwibintang@gmail.com, putipriyana@gmail.com, candrahayatul@gmail.com



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Abstract : If the law is viewed from the perspective of law enforcement agencies, the Code of Ethics violations committed by police officers as users of online prostitution services are a slander against law enforcement in Indonesia, so criminology is needed to study more deeply the causes of these violations. The method used by the researcher in preparing this paper is a descriptive writing method with a normative juridical research approach, and the data collection method used is literature study. The purpose of this research is so that readers can understand the application of criminology to KEPP Violations by Police Officers and understand and analyze the resolution of KEPP violators based on PERKAP No. 14 Year 2011 related to the use of online prostitution services during the assignment by police officer.

Kata kunci: the Code of Ethics violations, police officer, online prostitution, criminology

I. INTRODUCTION

Criminology as part of Criminal Science provides an overview of the factors of criminality (Etiology of Crime) through empirical research, whether the crimes are committed by individuals or culturally-based nations. By the late 1970s, crime had come to signify a violation of human rights.¹ Crime (*Mala Inse*) refers to intentional acts or omissions that violate criminal law, not including self-defense or justified by government authorization.² However, contemporary crime is no longer limited to tangible acts committed in a specific location (*tempus delicti*). With technological advancements, a new medium has emerged through which individuals engage in daily activities by sharing text, images, audio, and audio-visual content online.

As one of the factors influencing an individual's development within society, ethics serve as a guide for human behavior in social, national, and international interactions. With the advancement of technology, it poses challenges to the community (*netizens*) in exhibiting responsible behavior while engaging with the internet (responsibility as a *netizen*). Additionally, regulations governing information and electronic transactions (Electronic Information and Transactions Law a.k.a UU ITE) impose obligations on *netizens* to exhibit good conduct when using social media platforms. However, the anonymity of *netizens'* privacy is often exploited as a new means to commit crimes, such as online prostitution.

The practice of prostitution using the internet or online media represents a new, isolated approach compared to the traditional localized practices. In face-to-face encounters, various cues from both commercial sex workers (CSWs) and their clients can be observed through body language. However, when communicating online, there are limitations. Users can only rely on photos or videos to select their desired CSW. Communication technology advancements have allowed both parties to engage in audio-visual communication through video calls. With the closed nature of online media, the privacy of each party can be maintained. Conversely, in face-to-face encounters, even in isolated areas, it is highly likely that the other party will be identified. Generally, CSW clients will always strive to maintain anonymity in such open situations.³ For instance, they may use pseudonyms, a method also frequently employed by women or individuals using online media, including certain members of the police force.

Viewed from the perspective of law enforcement agencies, such as the Police, Prosecutor's Office, and Judicial Institutions, they play a crucial role in realizing fair law enforcement (Equality before the Law), nondiscrimination, and aligning with the aspirations and realities of societal interactions. Hence, regulations regarding the ethics of law enforcement professions are necessary to prevent injustice during the pursuit of justice. The Code of Ethics for the Indonesian National Police, abbreviated as KEPP, comprises norms or rules that form the ethical or philosophical foundations related to the conduct and speech expected, prohibited, appropriate, or inappropriate for Police Members in fulfilling their duties, authorities, and responsibilities. However, in society, there are instances of law enforcement personnel violating the Code of Ethics for the Police (KEPP) by engaging in online prostitution during their assignments.

II. RESEARCH METHODS

The method used by the researcher in preparing this paper is a descriptive writing method with a normative juridical research approach, and the data collection method used is

¹ Bambang Widiyanto, Gunadi, and Oci Senjaya, 2019, *Criminology*, Jakarta, Adhi Sarana Nusantara, pp. 1-2.

² M. Holyone N. Singadimedja, Oci Senjaya, and Margo Hadi Pura, 2017, *Indonesian Criminal Law System*, Bandung, Multi Kreasindo, pp. 53.

³ Kristoforus Laga Kleden. 2019, "The Criminological Analysis of Online Prostitution". *DiH: Jurnal Ilmu Hukum*, Volume 15 Number 1

literature study. The research aims to systematically, factually, and accurately describe a specific phenomenon or event, including its nature, characteristics, or specific factors, by collecting primary data through books, journals, and relevant research articles, as well as secondary data through legal products such as laws and regulations.

III. RESULT AND DISCUSSION

The Application of Criminology to Violations of the Code of Ethics by Police Officers

Before explaining the application of criminology to violations committed by police officers against the Code of Ethics for the Police (KEPP), Ruth Shonle Cavan, in her book "Criminology," divides types of criminals based on their actions into nine categories defined as follows:

- 1) The Casual Offender
- 2) The Occasional Criminal
- 3) The Episodic Criminal
- 4) The White Collar Criminal
- 5) The Habitual Criminal
- 6) The Profesional Criminal
- 7) Organized Crime
- 8) The Mentally Abnormal Criminal
- 9) The Nonmalicious Criminal

Based on Robert K. Merton's theory of anomie, the practice of online prostitution through advancements in communication technology (via online media) can be seen as a form of rebellion and innovation to achieve goals by replacing or altering existing methods. There is a driving force (cathexis) toward curiosity and the desire for comfort, which becomes a prominent aspect. The consequence (excess) of this rebellion is the emergence of deviant behavior toward social values within society, which in turn influences changes in communication culture (through online media). With the assurance of comfort and protection of individuals' privacy, anyone is free to utilize online media. Furthermore, according to George Ryley Scott in his book titled "The History of Prostitution," prostitution exists because of men's desires, which create a willingness to engage in extramarital affairs and even pay for such activities, leading to the existence of professional prostitution or commercial sex workers (CSWs). The act of police officers ordering online prostitution services while on duty constitutes a violation of the Code of Ethics for the Police (KEPP), which will be discussed as follows:

Scope of the Code of Ethics for the Police (KEPP)

The scope of regulation covered by the Code of Ethics for the Police (KEPP) includes:

- 1) National Ethics, which includes guidelines for the behavior of Police Members in relation to:
 - a) Upholding the Unitary State of the Republic of Indonesia (NKRI);
 - b) Pancasila (the Indonesian state ideology);
 - c) The 1945 Constitution of the Republic of Indonesia; and
 - d) Unity in Diversity (kebhinekatunggalikaan).

- 2) Institutional Ethics, which includes guidelines for the behavior of Police Members in relation to:
 - a) Tribrata as a way of life;
 - b) Catur Prasetya as a work guide;
 - c) Oaths/vows of Police Members;
 - d) Oaths/vows of office; and
 - e) Ten moral commitments and mindset changes
- 3) Societal Ethics, which includes guidelines for the behavior of Police Members in relation to:
 - a) Maintaining public order and security (kamtibmas);
 - b) Law enforcement;
 - c) Protecting, serving, and assisting the community; and
 - d) Local wisdom, including mutual cooperation, solidarity, and tolerance.
- 4) Personal Ethics, which includes guidelines for the behavior of Police Members in relation to:
 - a) Religious life;
 - b) Compliance and obedience to the law; and
 - c) Politeness and manners in family, society, nation, and state life.

Chronology of Violations of the Code of Ethics for the Police (Case Study of a Police Officer Shooting a Sex Worker He Ordered Online in Pekanbaru City)

This case started with Bripda AP, a police officer assigned to the Padang Panjang Police Resort in West Sumatra. Bripda AP and three other police officers were assigned to pursue a fugitive involved in a violent theft who had escaped to Pekanbaru City, Riau. During their duty, without permission, AP, the police officer, left his assigned task and ordered a woman for a date through the MiChat application. Two women, namely RO and DO, approached AP at a nightclub where they had arranged to meet. Later, RO and DO went to buy contraceptives as an excuse to escape after deceiving Bripda AP, with plans to flee using a car. Feeling deceived by the two women, AP saw DO fleeing into a car driven by RO. He chased after them and fired shots at the car, hitting DO in the temple through the rear window.

In this case, the police officer committed several violations of the Code of Ethics for the Police (KEPP) related to institutional ethics and personal ethics. During his duty, the police officer left his assigned task without permission and fired a firearm without prior warning (institutional ethics). He also engaged in ordering the services of a sex worker (personal ethics), which contradicts religious and moral norms.

Psychoanalysis of the Sexual Activities of Police Officers

According to Freud, the psyche has three levels of consciousness: conscious, preconscious, and unconscious. Until the 1920s, theories of psychological conflicts only involved these three elements. It was only in 1923 that Freud introduced three additional structural models: das Es, das Ich, and das Ueber Ich, which complemented the previously introduced levels of consciousness. These new structures did not replace the old structure but provided a more complete understanding, particularly in terms of function and purpose

(Awisol, 2005:17). Thus, personality can be defined as a system consisting of three elements: das Es, das Ich, and das Ueber Ich (the Id, the Ego, and the Super Ego), each with its origin, aspects, functions, operational principles, and equipment.

Sexual instincts, as derivatives of the life instincts (libido), emerge independently in an individual's life, but during puberty (sexual maturation), they typically become consolidated into reproductive tasks through the stimulation of erogenous zones. Although these instincts reside in the unconscious (Id), they can express themselves and guide the processes of the Ego and Super Ego.

The presence of neurotic anxiety is born out of the perception of the danger posed by these instincts. On a broader level, it is a fear of the possibility of ego failure in inhibiting the drives (anticathexis failure against cathexis) of the instincts within the Id, resulting in impulsive actions as a release of internal frustration. An individual's actions in their developmental stages can regress to earlier stages due to their anxiety (regression). This can be done by healthy individuals who easily adapt to reduce their anxiety or express their inner selves. Examples of actions taken during regression include breaking the law, engaging in unusual sexual activities, masturbation, losing patience, and many more.

In this case, the actions taken by the police officer are a manifestation of his impulsive behavior in response to the pressure of his duty. To relieve his internal tension, he ordered a sex worker, and when he felt deceived, neurotic anxiety emerged in the form of panic and anger, leading him to discharge his firearm without warning (The Episodic Criminal).

Resolution of Violations of the Code of Ethics for the Police (Based on PERKAP No. 14 of 2011 Regarding the Use of Online Prostitution Services during Duty

It is important to note that according to Article 29 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police, police officers are constitutionally subject to the jurisdiction of the general judiciary, just like ordinary civilians. This provision also emphasizes that members of the Indonesian National Police are civilians and not subject to military law. Administrative sanctions in the form of a recommendation for Dishonorable Dismissal (PTDH) can be imposed through the Police Code of Ethics Commission if the violator intentionally commits a criminal act with a minimum prison sentence of 4 years or more, such as rape, assault, murder, or other criminal offenses proven through the general judicial process and a final court decision.

In this case, the actions of the police officer constitute violations of religious and moral norms, as well as institutional and personal ethics within the scope of the Code of Ethics for the Police. Additionally, the officer also engaged in an armed attack, fulfilling the elements of a criminal offense. Therefore, the resolution of this case must go through the criminal justice process in the general court system. Only after the criminal proceedings are completed can the officer be tried for violations of the Code of Ethics for the Police in the Police Code of Ethics Commission.

IV. CONCLUSION

In this case, the actions taken by the police officer are a manifestation of his impulsive behavior in response to the pressure of his duty. To relieve his internal tension, he ordered a sex worker, and when he felt deceived, neurotic anxiety emerged in the form of panic, leading him to discharge his firearm without warning. Thus, his actions fall under the category of "The Episodic Criminal" who commits crimes due to intense emotions.

The actions of the police officer constitute violations of religious and moral norms, as well as institutional and personal ethics within the scope of the Code of Ethics. Additionally, the officer also engaged in an armed attack. Therefore, the resolution of this case must go through the criminal justice process in the general court system. Only after the criminal proceedings are completed can the officer be tried for violations of the Code of Ethics in the Police Code of Ethics Commission.

The author's suggestion in this matter is for the Police Institution to pay more attention to the psychological aspects of its members in order to prevent incidents that tarnish the reputation of the Police Institution. In addition, law enforcement that considers "primum remedium" is needed to provide a deterrent effect to police officers who violate the Code of Ethics, especially if criminal elements are fulfilled.

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