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Enforcement of the Police Professional Code of Ethics for Members of the National Police Perpetrators of Sexual Violence Against Children

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Abstract

This article analyzes the mechanism for enforcing the National Police's professional code of ethics against members who are proven to have committed sexual violence against children in the jurisdiction of the Maluku Police. The purpose of this study is to find out and examine the effectiveness of the ethics enforcement mechanism and identify inhibiting factors in its implementation. This study uses empirical juridical law research methods with a focus on normative approaches such as statute approach and conceptual approach. Data collection was carried out through document studies and interviews with the Maluku Police Internal Affairs Division and related units. The findings of the study show that the ethics enforcement mechanism regulated in Police Regulation Number 7 of 2022 is empirically still sub-optimal, characterized by the postponement of ethics hearings until a criminal verdict has permanent legal force. The main inhibiting factors include the lack of Propam personnel, dependence on criminal processes, an unintegrated reporting system, and an organizational culture that is resistant to transparent and firm enforcement. This shows the inequality between regulation and the reality of implementation, which demands a thorough internal reform to restore institutional integrity.

Keywords: Police Ethics Enforcement; Sexual Violence; Child Protection.

INTRODUCTION

Sexual violence against children is categorized as an extraordinary crime whose impact is very destructive, both for the victim and the social order.[1] Cases of sexual violence committed by members of the National Police of the Republic of Indonesia are a very concerning phenomenon and fundamentally contrary to the oath of office, professional ethics, and the main duties of the National Police as a protector of the community. The involvement of the National Police in this crime directly damages the dignity of the institution and destroys public trust.[2]

The National Police as the front line of law enforcement has been equipped with a set of rules to bind the behavior of its members, such as Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia and Regulation of the Chief of the National Police of the Republic of Indonesia Number 7 of 2022 concerning the Professional Code of Ethics.[3] This rule creates double liability, where members who are proven criminally guilty

[1] Diana Yusyanti. "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual (Legal Protection of Children Victims from Criminal Actors of Sexual Violence)." *Jurnal De Jure, Badan Penelitian Dan Pengembangan Hukum Dan Ham, Kementerian Hukum Dan HAM RI* 20, no. 4 (2020): 619-635.

[2] Istiqomah, Kintan Miftakhul. "Penindakan Pelanggaran Kode Etik Polisi Yang Melakukan Tindak Pidana Pelecehan Seksual." *Innovative: Journal Of Social Science Research* 4, no. 3 (2024): 4950-4972. https://doi.org/10.31004/Innovative.V4i3.10924.

[3] Wibowo, Ryan Rangga. "Peranan Bidang Profesi Dan Pengamanan (Propam) Dalam Penegakan Kode Etik Kepolisian (Studi Penelitian Di Polresta Deli Serdang). Diss. Fakultas Hukum, Universitas Islam Sumatera Utara, 2025. http://pepository.uisu.Ac.Id/Handle/123456789/4232

must also face professional ethical consequences that can lead to Dishonorable Dismissal. In addition, the legal basis for child protection is strengthened by Law Number 35 of 2014 concerning Child Protection and Law Number 12 of 2022 concerning the Crime of Sexual Violence, which threatens severe criminal penalties for perpetrators of sexual violence against children.[4]

Although the normative foundation is strong, the reality on the ground shows that the phenomenon of members of the National Police involved in sexual violence against children is still a serious problem, including in the jurisdiction of the Maluku Police. Cases such as those involving Bripka SR and Brigpol BJL have become in the public spotlight, where the ethical status of the perpetrators of Brigpol BJL is still in an internal process even though the criminal verdict has permanent legal force. This incident confirms the existence of gaps in the internal surveillance system and weak early detection, which demands the strengthening of the supervisory function and the enforcement of the code of ethics consistently. The existence of these cases highlights the effectiveness of the police's professional code of ethics enforcement mechanism, which raises concerns about procedures and stages that are not optimal, especially in terms of speed and firmness of sanctions.

Based on the description of the background, this study aims to: 1) Know and examine the mechanism of enforcing the professional code of ethics of the National Police against members who are proven to have committed sexual violence against children in the jurisdiction of the Maluku Police; 2) To know and examine the inhibiting factors in the enforcement of the National Police code of ethics against perpetrators of members who are proven to have committed sexual violence against children in the jurisdiction of the Maluku Police. Thus, the statement of novelty (state of art) of this scientific study is to empirically explain the structural and cultural obstacles (such as dependence on criminal processes and corps culture) that cause the mechanism for enforcing the police professional code of ethics in the Maluku Police, even though it already has a strong normative foundation (Police Regulation Number 7 of 2022), has not been able to run independently. transparent, and firm according to public expectations.

METHODS OF THE RESEARCH

This research uses an empirical legal method (field research) whose object is the symptoms and phenomena that occur in society and institutions, namely the Internal Affairs Division of the Maluku Police, the Maluku Police Professional Code of Ethics Commission, and other related units. The research approaches used in the analysis are statute approach (legislative approach), conceptual approach (conceptual approach), and analytical approach (analytical approach). The main source of data (primary data) in this study is field data obtained through interviews with resource persons from the Internal Affairs Division of the Maluku Police and related units, as well as official Internal Affairs Division documents. Supporting data sources (secondary data) include legal materials such as: 1) Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia; 2) Law Number 35 of 2014 concerning Child Protection; 3) Law Number 12 of 2022 concerning the Crime of Sexual Violence; 4) Regulation of the Chief of the National Police of the Republic of Indonesia

[4] Veren Martha Habel, Hadibah Zachra Wadjo, And Judy Marria Saimima, "Efektifitas Undang-Undang Perlindungan Anak Dalam Melindungi Anak Korban Tindak Pidana Perkosaan Oleh Orang Terdekat," *Tatohi: Jurnal Ilmu Hukum* 3, no. 8 (2023): 843, https://doi.org/10.47268/tatohi.v3i8.1865.

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Number 7 of 2022; 5) Books, scientific papers, and legal research results. The data collection technique uses literature studies and field research. The technique of tracing legal materials uses the document study technique. Data analysis is carried out in a qualitative descriptive manner, namely by grouping the data obtained based on its quality and truthfulness, then linked to theories and laws and regulations to obtain answers to research problems.

RESULTS AND DISCUSSION

A. Mechanism for Enforcing the Police Professional Code of Ethics for Members Proven to Have Committed Sexual Violence against Children

Members of the National Police of the Republic of Indonesia who are involved in the crime of sexual violence against children in the jurisdiction of the Maluku Police have committed double violations, namely violations of the criminal law (violating the Child Protection Law and the Sexual Violence Crime Law) and serious violations of the professional code of ethics.[5] Normatively, this ethical enforcement is based on the National Police Regulation of the Republic of Indonesia Number 7 of 2022 concerning the Professional Code of Ethics and the Commission of the Code of Ethics of the National Police of the Republic of Indonesia (Police Regulation Number 7 of 2022). This Police Regulation is the main instrument of the institution to maintain discipline, morality, and integrity of members who are bound by the oath and promise of the profession.

Violations in the form of sexual violence against children are acts that injure personality ethics and are categorized as serious violations that require the imposition of sanctions of Dishonorable Dismissal. This is in line with the principle of zero tolerance of the National Police towards serious crimes committed by its members, considering the destructive impact of such actions on victims, institutions, and public trust. The sanction of Dishonorable Dismissal is not only a punishment, but also an attempt to clean up the organization's internal from elements that no longer deserve the status of law enforcers.[6] Procedurally, the ethics enforcement mechanism at the Maluku Police begins with the discovery of violations, either through public reports (Internal Affairs Hotline) or internal findings of the Internal Affairs Division. The first step taken is an investigation and initial information collection, which is then upgraded to a formal examination as outlined in the Examination Minutes. Internal Affairs, as an internal supervisory function, has a central role as an ethics investigator who is obliged to prove alleged violations in front of the National Police Code of Ethics Commission assembly. The next stage is the Session of the Police Code of Ethics Commission, which in the Maluku Police was formed by the Decree of the Chief of Police. The National Police Code of Ethics Commission Assembly, which consists of elements of Internal Affairs leadership and officials, is tasked with independently assessing the evidence submitted by Internal Affairs and the examined information. The National Police Code of Ethics Commission in the trial focused on two main aspects: violations of ethics and moral propriety of members of the National Police, which are philosophically different from proving criminal elements in general court. The basic principle in this ethical process is the principle of parallelism or double independence. This means that the ethical process should not wait for criminal proceedings. Article 133 Paragraph (1) of Police Regulation Number 7

[5] Libahongi, Paradise of Mercy. "10.47313 Criminal Responsibility of Police Members in Cases of Rape of Minors." *National Law Journal* 8.2 (2024). https://doi.org/10.47313/njl.V8i2.3863

[6] Saputra, Efendri Eka. *Rekonstruksi Peraturan Penghentian Penuntutan Anak Sebagai Pelaku Tindak Pidana Kejahatan Seksual Anak Berdasarkan Nilai-Nilai Keadilan* . Disertasi. Universitas Islam Sultan Agung Semarang, 2025. https://Repository.Unissula.Ac.Id/40142/

of 2022 expressly mandates: "The Police Code of Ethics Commission Session and/or the Appeal Commission Session shall be held without waiting for a court decision that has permanent legal force." This provision allows the National Police to take disciplinary and ethical action as soon as the facts of ethical violations are revealed, regardless of the final outcome of the criminal justice.

However, the results of field research at the Maluku Regional Police show that there is a contradictory tendency between the applicable norms (*dass Sollen*) and the practice in the field (*dass Sein*), there is a latent phenomenon in the form of structural dependence that makes the Internal Affairs Division at the Maluku Police often suspend the hearing of the Police Code of Ethics Commission until the criminal process is *inkracht*. This dependence is rooted in the assumption that criminal judgments that have permanent legal force (*inkracht*) provide a strong legal basis for imposing the highest ethical sanction, namely Dishonorable Dismissal.

The case of Brigpol Berti J Lilimwelat who was entangled in the crime of sexual violence against children is an illustration of the failure to implement the principle of parallelism. Although the person concerned has been sentenced to a criminal verdict and has the status of an inkracht, the ethics hearing process has been significantly delayed. This delay not only violates the provisions of Police Regulation Number 7 of 2022, but also sends a signal of institutional indecisiveness to the public and prolongs legal and ethical uncertainty for those examined. On the other hand, there is the case of Saiful Rahman whose ethics process and Dismissal Without Honor can be completed faster in 2025, after a criminal verdict. This disparity in handling shows that the code of ethics enforcement mechanism at the Maluku Police does not run consistently and uniformly. This inconsistency is evidence that non-normative factors, such as hierarchical pressure, internal political considerations, or Internal Affairs workload, also affect the speed and firmness of the imposition of ethical sanctions.

Delays in the ethics process have serious implications for the integrity of the institution. The practice of postponing ethics hearings until an inkracht criminal verdict indirectly negates the role of Internal Affairs as the front line of internal supervision. This seems to place the ethical process as an additional consequence of a criminal verdict, not as an independent and equal professional accountability mechanism, thus undermining the spirit of Police reform.[7] The mechanism for enforcing the National Police's professional code of ethics for members who are proven to have committed sexual violence against children in the Maluku Police, despite having a strong and progressive normative foundation (Police Regulation Number 7 of 2022), is still empirically hampered by internal practices and culture. Inconsistency in carrying out the principle of parallelism and independence of the ethical process is the main loophole that is used to delay institutional firmness, which ultimately erodes public trust in the Maluku region. Therefore, it is necessary to revitalize and affirm the role of Internal Affairs in the Maluku Regional Police to carry out an ethical mechanism quickly, consistently, and independently in accordance with the mandate of Police Regulation Number 7 of 2022, in order to realize sustainable accountability and professionalism.[8]

[7] Maulana, Sofyan Agung. *Pengawasan Internal Kejaksaan Dalam Menjaga Integritas Independensi Kejaksaan*. Diss. Universitas Islam Sultan Agung Semarang, 2024. https://repository.unissula.ac.id/35542/1/magister%20ilmu%20hukum_20302200313_Fullpdf.Pdf

[8] Prasetyo, Dedi. *Keadilan Restoratif Strategi Transformasi Menuju Polri Presisi*. (Jakarta: Rajagrafindo Persada, 2025), p. 8.

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B. Inhibiting Factors in the Enforcement of the Police Code of Ethics for Perpetrators of Members Proven to Commit Sexual Violence against Children

Although the mechanism for enforcing the National Police's professional code of ethics has a clear juridical basis through Police Regulation Number 7 of 2022, the implementation of the mechanism in the jurisdiction of the Maluku Police faces various significant obstacles. These obstacles cause the process of examination, trial, and the imposition of ethical sanctions to be delayed, ineffective, or even not carried out optimally. These inhibiting factors can be classified into institutional structural barriers and non-structural cultural barriers.[9]

Limitations of Human Resources and Propam Facilities is one of the main inhibiting factors is the lack of Internal Affairs personnel and ethics investigators who specifically handle serious offenses, including sexual violence against children.[10] The number of Paminal members at the Police and Regional Police levels is disproportionate to the burden of ethical cases that come in. This limited human resource has a direct impact on the quality of ethical investigations, handling time, and the ability to effectively follow up on community reports. The postponement of the ethics hearing, as in the case of Brigpol Berti J. Lilimwelat, is said to have occurred because the file is incomplete or the ethics team has not been formed on an ad hoc basis.

The process of ethical examination by Internal Affairs and criminal investigation by Criminal Investigation still works in a parallel system that tends to be out of sync. This slows down the process of ethical decision-making because the Internal Affairs team has to wait for a complete copy of the case file from the criminal investigator, even though normatively there is no obligation to wait for the inkracht verdict. The limitation of coordination between units is referred to as a serious obstacle in the field.[11] The lack of internal socialization of the latest regulations, such as Police Regulation Number 7 of 2022, is also an obstacle. Many members of the local police force do not fully understand that serious criminal law violations, such as sexual violence, are also violations of the code of ethics. This problem is exacerbated by the lack of optimal continuing education about the professional code of ethics.

The dependence of ethics enforcement on the results of criminal proceedings has become a latent phenomenon in practice in the Maluku Police. Although Police Regulation Number 7 of 2022 confirms that ethics hearings can be held without waiting for a criminal verdict with permanent legal force, the reality is that the Internal Affairs team often postpones ethics hearings until the criminal status of the perpetrator is completely clear in court. This practice aims to avoid potential counterclaims or inconsistencies between ethical results and criminal results, but instead creates the impression that the National Police is not firm in taking action against its own members. The case of Saiful Rahman, whose ethics hearing was only held five months after the criminal verdict was issued, reflects that the implementation of the code of ethics is not running in an independent channel as it should.

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[9] Dea, Agustina. *Analisis Optimasi Layanan Sprimim Untuk Mendukung Kepala Kepolisian Dalam Lingkungan Layanan Prima Kepada Masyarakat Dilihat Dari Aspek Hak Asasi Manusia Di Wilayah Hukum Polda Jawa Tengah*. Disertasi Undaris, 2023. http://repository.undaris.ac.id/id/eprint/1109/

[10] Noval, Cepi, And Zainal Arifin Hoesein. "Problematika Penegakan Hukum Oleh Propam Terhadap Pelanggaran Kode Etik Kepolisian Republik Indonesia." *Jurnal Retentum* 5, no. 1 (2025): 292-303.

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

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A very influential non-structural inhibiting factor is the internal culture of the National Police which still tends to be closed to public supervision and open ethical enforcement. A corps culture that emphasizes internal loyalty sometimes leads to resistance to ethical sanctions that are considered to embarrass the institution in front of the public. Fellow members in some cases, tend to cover up their colleagues' offenses. This internal solidarity is an organizational cultural obstacle that hinders the enforcement of objective ethics.

The tendency to resolve violations internally or familially is also still found in a number of ethical cases, especially in areas where there are strong social ties between members. This is contrary to the spirit of zero tolerance for sexual violence. The lack of a temporary deactivation mechanism for members who are being ethically examined for alleged serious violations is also a problem. Members who have become suspects of sexual violence against children are still allowed to serve on active duty or continue to receive full allowances, causing negative perceptions in society and weakening ethical functions.

In summary, the ethical mechanism in the Maluku Police is hampered by a combination of structural weaknesses (the limitations of Internal Affairs and an unintegrated system) and cultural resistance (a corps culture that delays firmness and dependence on the criminal process), to overcome this, comprehensive internal reforms are needed, including strengthening the Internal Affairs unit, increasing transparency, and establishing a more assertive culture of legal compliance.

CONCLUSION

The mechanism for enforcing the National Police's professional code of ethics for members involved in sexual violence against children in the jurisdiction of the Maluku Police has been regulated in Police Regulation Number 7 of 2022, but its implementation is still suboptimal due to inequality between regulations and the reality in the field. The main inhibiting factors include the limited personnel of Internal Affairs, the reliance of the ethical process on criminal judgments, an unintegrated reporting system, and an internal culture that is resistant to transparent ethical enforcement. Therefore, it is recommended that the Maluku Police carry out an independent ethics hearing without waiting for a criminal verdict with permanent legal force, accompanied by strengthening the function of Internal Affairs in terms of personnel and facilities, as well as internalizing an organizational culture that supports strict and open ethical enforcement.

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