

## IMPLICATION OF THE POLICE PROFESSIONALISM IN LAW ENFORCEMENT TOWARDS THE SENSE OF LAW

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### ABSTRACT

Good Law Enforcement is one of measure of success a nation in increasing honor and dignity especially in field of law. Law has to protect the people who living everywhere. So it can create the stability and security our people's life. There are many law functions. Law can create a good stuff for the entire sector, for example the economy, politics, trades, etc. The paradigm and law enforcement reality in Indonesia have not been work as well. It is caused by two factors. They are law enforcement officers (judges, polices, advocates, and prosecutors). If they have fine morality and integrity, the law enforcement can work as well. Second, DPR RI as the law maker. Eventhough the law maker does not do the direct socialization with the people, but their result can reach and cover many of Indonesian's problems. One of important and necessary law reformation agenda to be done is law enforcement reformation. A properly and effectively law enforcement is one of success meausurer of a country to bring up the nation honor and dignity in field of law especially in giving protection of a law towards the people. It means there is a law real guarantee for the people. This also matters there is law legality guarantee towards the peole, so the people can feel safe and have their rights protected in daily life. Otherwise law enforcement can not work as well if the indicator of the concerned country has not been give the best of law protection for the their people.

**Keywords :** Profesionalism, Police, Law Enforcement.

### ABSTRAK

Penegakan hukum (Law Enforcement) yang baik merupakan salah satu tolak ukur keberhasilan suatu bangsa dalam meningkatkan harkat dan martabat khususnya di bidang hukum. Hukum harus melindungi semua masyarakat yang tinggal di mana saja. Sehingga dapat menciptakan stabilitas dan keamanan kehidupan masyarakat kita. Ada banyak fungsi hukum. Hukum dapat membuat hal yang baik untuk semua sektor, misalnya ekonomi, politik, perdagangan, dll. Paradigma dan realitas penegakan hukum di Indonesia belum berjalan dengan baik. Hal itu disebabkan oleh dua faktor. Mereka adalah aparat penegak hukum (hakim, polisi, advokat, dan jaksa). Jika mereka memiliki moralitas dan integritas yang baik, penegakan hukum dapat berjalan dengan baik. Kedua, DPR RI sebagai pembuat undang-undang. Meskipun pembuat undang-undang tidak melakukan sosialisasi dengan masyarakat secara langsung, namun hasil dari mereka dapat menjangkau dan mencakup semua permasalahan dalam masyarakat Indonesia. Salah satu agenda reformasi hukum yang penting dan mendesak untukdi laksanakan adalah reformasi dalam penegakan hukum. Penegakan hukum yang dapat dilakukan dengan baik dan efektif merupakan salah satu tolok ukur keberhasilan suatu Negara dalam upaya mengangkat harkat dan martabat bangsa di bidang hukum terutama dalam memberikan perlindungan sebuah hukum terhadap warganya. Hal ini berarti pula adanya jamin kepastian perlindungan sebuah hukum terhadap warganya. sehingga rakyat merasa aman dan terlindungi hak- haknya dalam kehidupan sehari-hari. sebaliknya penegakan hukum yang tidak berjalan sebagaimana mestinya merupakan indikator bahwa negara yang bersangkutan belum sepenuhnya mampu memberikan perlindungan hukum kepada warganya.

**Kata Kunci :** Profesionalitas, Law Enforcement, upholder

## **A. PRELIMINARY**

One of necessary and important law reformation agenda to be done is a reformation in law enforcement. Law enforcement that can be done properly and effectively is a measure of success of a country to increase dignity and honor a nation in field of law especially in giving a law protection to their people. It means there is a law guarantee for the people, so the people can have a safety and protected sense of their rights in daily life. Eventhough the law enforcement, which does not work on the proper way means an indicator if the concerned country can not give a law protection to their people as well. Law protection towards the people is all side's obligation. But, that duty is an absolute obligation for the Police as community defender who expected can create safety and comfortablity to surround environment. However, in reality security and comfort as a result of upholding law enforcement in society has not been created optimally. Therefore, a main problem arises that what factors influence law enforcement in Indonesia have not been achieved as desired. Paradigm discussion and low enforcement in Indonesia. In any law enforcement and justice sistematical study, in theoretically says that the law enforcement and justice effectiveness will be fulfilled if 5 law pilars can work properly. Those 5 pilars are legal instruments, law enforcement officers, equipments, the society and bureaucracy.

Among those 4 officers, actually that the judge placemenet is the most strategic thing. It's a last fortress for yustiablen (justice seeker), a magistrate is not just the mouthpiece of the law spokesperson for the law but also it must be the mouthpiece justice spokeperson. How exalted is the position of a judge to the point that he is given the right to act on behalf of God in making decisions. As the last fortress it should have or more mastering on somepoint instead the others law enforcement officer either in law field or moral. Magistrate as the final escape place is a pedestal and society's hope, magistrate expected to be "the best solution" which it means it must be able to become a final weapon for all unirtheousness, it does not matter if the officers are broken instead the judges, hope the justice will be served.

Law enforcement problem on some basic is among *normatively law (das sollen)* and sociologicly law (*das sein*) or among the society's law behaviors that should be with their real thing law behaviors. Roscoe Pound called as a difference between "law in books and law in actions". This difference covers the issue of the problems are :

- Is the law in legalized regulation form to reveal social behavior pattern on certain time
- Is what the court said the same as what happened
- Is the purpose expressly desired by a regulation in reality

Conceptually, the main thing and the meaning of law enforcement lies in matching activity with elaborated value relationships in solid conceptions and manifesting of action as an elaborated final value, to creates, maintains, and preserves piece in association.

Law as a regulation in it constitutes set of norms including prohibition, prohibition and sanction are one of the main function as social control facilites, with purpose to maintain the stability and people's importance. As a functioning and purposive set of norms as well, hence the first law will be appear as something legal in the books, contain a hypotesys about allowed and prohibited human's behavior borders also give a sanction threats if there would be among the members do the violation.

## **B. RESEARCH METHODS**

In conducting this research, researcher uses normative juridical approach, namely by examining law materials in the form of Undang-undang Dasar 1945, Undang-undang No 2 Tahun 2002 about Police, also No 4 Tahun 2004 about Judicial Power, UU No 16 Tahun 2006 about Indonesia Republic Attorney.

To make sure about this research, the researcher also will do empirical juridical approach for knowing the constitution regulation implication about police and juridical power and attorney constition. So this research can give law argumentation as the base determinant if an event is right or wrong also as it should be according to the prevailing law.

## DISCUSSION

That law implementation applied in the form of actions that should be done or called by law enforcement. In this law enforcement the law enforcement institution's action is really needed. Law can not be stand by itself. That's why, the law enforcement institution's action is needed in purpose to stand up a law regulation (*law enforcement*)

### 1. Republic of Indonesia Police Institution

Police is one of law instrument who has duty to keep on public order, maintain the security, and protect the society. As the law enforcement institution, main duty of the police is maintain the internal country security. Police is the most front guard in process to law enforcement in Indonesia, before prosecutor and judge. Moreover, police has a role as an investigator in law enforcement thing that concerned with the criminal actions. Provisions regarding the police have been regulated in in the Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police.

The powers of the police as follows :

- Perform the chasing, shakedown, and seizure ;
- Prohibit every single people to leaves and comes the crime scene for investigation purpose ;
- Bring and affraint person to the investigate officer in order to investigation;
- Ordering someone suspected to stop and ask also check the identity ;
- Calling people to be heard and examined as suspects or witnesses ;
- Submit the case files to public prosecutor.

### 2. Republic of Indonesia Attorney

Attorney is one of law enforcement institution who has duty to do prosecution. Prosecution is prosecutor action to hand over the case to competent state court with request in order to be checked and decided by the

Magistrate in the court. Perpetrators of crime offences who will be prosecuted is the real guilty person and already fulfilled the elements of the crime which is alleged to be supported by sufficient evidence and supported by at least two witnesses. In case of law enforcement, attorney has been prosecuted to stand up the law supremacy, law importance protection, human rights enforcement, also eradicate the corruption, collusion, and nepotism. The provision concerning attorney have been regulated in the law of Republic of Indonesia Number 16 of 2004 concerning Republic of Indonesia Attorney. The Attorney's authorities categorized in to 3 fields as follows:

The criminal field, the attorney's authorities in criminal field are : perform prosecution, carry out the determination of judges and court decisions that have permanent legal force, perform control towards conditional criminal decision implementation, criminal decision of supervision, and conditional free decision, perform an investigation about certain criminal action based the constitution, fulfilled the certain case files also perform additional check before submitted to the court at the end.

The civil and state administration field. In this field, attorney has a special power to take an action, either inside or outside of the court for and on the name state or government.

The piece and public order field, the attorney's authorities in this field as follows : increase society's law awareness, policy safeguards of law enforcement, law research and development also criminal statistic.

### **3. Magistrate**

Magistrate is justice official that operates judicial power in Indonesia. Judicial power is independent state power to held justice for enforce the law and justice. Based on that explanation, it can be known if the magistrate has a duty in field of justice. In law enforcement process, magistrate has an authority to judge. Judging is series of judge's actions to receive, check, and decide the law case according to free, honest, and impartial principal. Judging

process performed base the constitution regulation.

In the process adminestiring the court, magistrate empowered to free. It means, magistrate can not be affected by other powers in deciding a case. Provision concerning magistrate have been regulated in the law of Republic of Indonesia Number 48 of 2009 concerning Juridical Power. Magistrates themselves are classified into three types, namely: Judges at the Supreme Court called Supreme Court Judges, Judges at judicial bodies under the Supreme Court (general courts, religious courts, military courts). Judges at the Constitutional Court are called Constitutional Justices.

#### **4. Advocate**

Advocate is a someone who works in giving law services, either inside or outside the court . The given law services are law consultation, law supports, power of operating, represent, defend, accompany, also perform the law action. Based that explanation, it can be known if the main duty of an advocate in law enforcement process is giving services towards the society who is seeking for the justice. Including empowerment efforts of the society to realize their basic rights in front of the law. Provision concerning advocate have been regulated in the law of Republic of Indonesia Constitution Number 18 of 2003 concerning Advocates.

#### **5. Society**

This role can be better if its done individually, community groups, or other institution. For the example as the democratical state people, the society participates in community's or government' life. This thing can be perform by join the regulations that have been made by the government also join in deciding the regulations if there is a problem by discussion.

The society has to perform the control of the government. With a society's supervision towards the government regulations or decisions, in purpose for the government operates it duties as match as what mandated and prevent the government in case doing unproper rights until prejudice the society.

The form of citizen participation in the protection and enforcement of law in the surrounding environment can be in the form of an active community in reporting suspected criminal acts around them. Then the community can also oversee the progress of investigations into criminal cases carried out by law enforcement officials. Because community participation is an important element in existing law enforcement.

### **C. CONCLUSION**

Excerpt PC Siswanto's opinion that "As long as the education process still in teaching form, the transfer of education knowledge just create someone who is not necessarily right, expert but not necessarily humble, clever but not necessarily wise". If the law enforcement officers can implement and hold that principle tightly of course the law enforcement what we hope together can be done as well. Polices, prosecutors, advocates, and magistrates are the formal education output that have been achieve the law education expected can protect the society with intellectual value and highly integrated.

Law enforcement can not be run as well. This thing affected by several factors. The first one is the law enforcement officers, are Polices, Magistrates, Prosecutors, and Advocates . Is a must for them to return society's trust to the law. This thing can be run as well if the law enforcement officers have an intellectuality and integrity in order to face law problems in the society. The second one is the constitution maker . Although the law maker undirectly faced with the society before formulate the constitution plan, as it must they know the situation early that happened in society, so the constituton products can be on target.

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