PROTECTION AND JUSTICE CONCEPTS FOR MEMBERS OF INDONESIAN POLICE AS NARCOTICS ABUSERS IN LINE WITH STATE OF LAW

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ABSTRACT

Background: Drug or narcotic abuse is not only perpetrated by ordinary people but is often experienced by police officers. The law enforcement process applied to the public is generally different from the victims of abuse among police officers. People are more often rehabilitated, but police officers tend to resign disrespectfully. The law used is the same as the Law Number 35, 2009 on Narcotic. The non-treatment of the principle of equality before the law attracts a comprehensive study.

Objective: The study aims to study and analyze justice for the victims of drug abuse police.

Theoretical framework: To further consolidate the position and the implementation of Polri's duties as an integral part of the reform, the Police has been unified in Act No. 2 of 2002 on the Police of the Republic of Indonesia which sets out the functions, purposes, roles, arrangements, positions, membership, and formation of the profession. Particularly related to the training of the profession is regulated in Articles 31 to 36 which state that the official of the National Police of the Republic of Indonesia in carrying out their duties and authority must have the ability of the professional through the training profession. The foreign regulation relating to the Disrespectful Cessation of Drug Abuse is inconsistent with the Narcotics Act because it does not treat the general public equally with the police. It is advised to the police chief that the police officers who have committed drug abuse be rehabilitated so that they can return to being good human beings and free from drug use.

Method: This research uses a method of normative jurisprudence with the primary legal sources of the Narcotic Drugs Act and Police Regulation Number 7 of 2022. Secondary legal materials are obtained through books, journals, and research results.

Keywords: narcotic, indonesian police members, fired, equality before the law.

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CONCEITOS DE PROTEÇÃO E JUSTIÇA PARA OS MEMBROS DA POLÍCIA INDONÉSIA ENQUANTO AGRESSORES DE ESTUPEFACIENTES EM CONFORMIDADE COM O ESTADO DE DIREITO

RESUMO

Antecedentes: O abuso de drogas ou de entorpecentes não é apenas perpetrado por pessoas comuns, mas é frequentemente vivido por policiais. O processo de aplicação da lei aplicado ao público é geralmente diferente das vítimas de abuso entre policiais. As pessoas são mais frequentemente reabilitadas, mas os policiais tendem a renunciar desrespeitosamente. A lei utilizada é a mesma que a Lei número 35 de 2009 sobre Entorpecentes. O não tratamento do princípio da igualdade perante a lei atrai um estudo abrangente.

Objetivo: O estudo tem como objetivo estudar e analisar a justiça para as vítimas da polícia de abuso de drogas.

Estrutura teórica: Para consolidar ainda mais a posição e a implementação dos deveres da Polri como parte integrante da reforma, a Polícia foi unificada na Lei nº 2 de 2002 sobre a Polícia da República da Indonésia, que estabelece as funções, propósitos, papéis, arranjos, cargos, filiação e formação da profissão. Particularmente relacionado com a formação da profissão está regulamentado nos artigos 31 a 36 que estabelecem que o funcionário da Polícia Nacional da Repúblca da Indonésia no exercício de suas funções e autoridade deve ter a capacidade do profissional através da profissão de formação. A regulamentação estrangeira relativa à Cessação Desrespeitosa do Abuso de Drogas é inconsistente com a Lei de Entorpecentes porque não trata o público em geral da mesma forma com a polícia. Aconselha-se ao chefe de polícia que os policiais que cometeram abuso de drogas sejam reabilitados para que possam voltar a ser bons seres humanos e livres do uso de drogas.

Método: Esta pesquisa usa um método de jurisprudência normativa com as principais fontes legais da Lei de Entorpecentes e Regulamento de Polícia Número 7 de 2022. Os materiais legais secundários são obtidos por meio de livros, revistas e resultados de pesquisas.

Palavras-chave: entorpecentes, membros da polícia indonésia, disparados, igualdade perante a lei.

CONCEPTOS DE PROTECCIÓN Y JUSTICIA PARA LOS MIEMBROS DE LA POLICÍA INDONESIA COMO ABUSADORES DE ESTUPEFACIENTES EN CONSONANCIA CON EL ESTADO DE DERECHO

RESUMEN

Antecedentes: El abuso de drogas o estupefacientes no solo es perpetrado por personas comunes y corrientes, sino que a menudo lo experimentan los agentes de policía. El proceso de aplicación de la ley aplicado al público es generalmente diferente de las víctimas de abuso entre los agentes de policía. Las personas son más a menudo reabilitadas, pero los agentes de policía tienden a renunciar de manera irrespetuosa. La ley utilizada es la misma que la Ley Número 35 de 2009 sobre Estupefacientes. El no tratamiento del principio de igualdad ante la ley atrae un estudio exhaustivo.

Objetivo: El estudio tiene como objetivo estudiar y analizar la justicia para las víctimas del abuso de drogas por parte de la policía.

Marco teórico: Para consolidar aún más la posición y la implementación de las funciones de Polrí como parte integral de la reforma, la Policía se ha unificado en la Ley No. 2 de 2002 sobre la Policía de la República de Indonesia, que establece las funciones, los propósitos, las funciones, los arreglos, los cargos, la membresía y la formación de la profesión.
Particularmente relacionado con la formación de la profesión está regulado en los artículos 31 a 36, que establecen que el funcionario de la Policía Nacional de la República de Indonesia en el desempeño de sus funciones y autoridad debe tener la capacidad del profesional a través de la profesión de formación. La reglamentación extranjera relativa al cese irrespetuoso del uso indebido de drogas es incompatible con la Ley de estupefacientes porque no trata al público en general en pie de igualdad con la policía. Se aconseja al jefe de policía que los agentes de policía que han cometido abuso de drogas sean rehabilitados para que puedan volver a ser buenos seres humanos y libres del consumo de drogas.

Método: Esta investigación utiliza un método de jurisprudencia normativa con las principales fuentes legales de la Ley de Estupefacientes y el Reglamento Policial Número 7 de 2022. Los materiales legales secundarios se obtienen a través de libros, revistas y resultados de investigación.

Palabras clave: narcótico, policías indonesios, despedidos, igualdad ante la ley.

1 INTRODUCTION

As a rule of law, Indonesia has a system of justice and law enforcement, one of which is the police. The State Police of the Republic of Indonesia (hereinafter called Polri) has a duty and authority aimed at guaranteeing the order and integrity of the law as well as peace in society to realize the security and order of the people in the interests of achieving national goals by upholding the dignity of human rights. As one of the law enforcement agencies that serves the public interest, the police accused must be able to perform their duties by the provisions of the laws and the Standard Operating Procedure (SOP) and have the ethics of the profession in carrying out its duties and functions to the public.

To further consolidate the position and the implementation of Polri’s duties as an integral part of the reform, the Police has been unified in Act No. 2 of 2002 on the Police of the Republic of Indonesia which sets out the functions, purposes, roles, arrangements, positions, membership, and formation of the profession. Particularly related to the training of the profession is regulated in Articles 31 to 36 which state that the official of the National Police of the Republic of Indonesia in carrying out their duties and authority must have the ability of the professional through the training profession. Every police

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5 The law enforcement efforts carried out by the government cannot be exempted from the police. According to the Law No. 2 of 2002, the duty of the Polri Tree is to maintain public security and order, enforce the law, and provide protection, guidance, and service to the public. Look at Chaerudin, Strategi Pencegahan dan Penegakan Hukum Tindak Pidana Korupsi, Refika Aditama, Bandung, 2008, p.42.
7 Act Number 2, 2002 on Indonesian Police.
member is bound by a rule or law as a reference in acting. These regulations include the Law No. 2 of 2002 on the State Police of the Republic of Indonesia and Police Regulation No. 7 of 2022 on the Code of Ethics of Professions and the Commission of the Police Ethics Code.\textsuperscript{8} It was established in Jakarta on June 14, 2022. Then the Police Regulations No. 7 of 2022 on the Code of Ethics of Professions and the Polri Ethics Code Commission were negotiated to bribe Yasonna H. Laoly on June 15, 2022, in Jakarta.

The Chief Police Regulation No. 14 of 2011 on the Code of Ethics of the Police Profession and Polri’s Rules (Perapolri) no. 19 of 2012 on the Organization and Organization of the Commission's Code of Political Ethics is not valid. However, the many rules that bind the police do not guarantee the growth of the professional soul of some of its members. The Head of Police of the Republic of Indonesia (hereinafter Kapolri) Regulations No. 7, 2022 are norms or rules that constitute the unity of ethical or philosophical foundations relating to behaviour or speech about things that are mandated, prohibited, should or should not be done by police members in the exercise of authority and responsibilities of the office. The complexity of the challenges in the execution of the task, in addition to benefiting the Police with a variety of significant advances in the field of strength building, construction, and operations. However, on the other hand, there is negative access to the maintenance of basic duties such as deviation of the behavior of the police officer such as abuse of authority, the quality of the delivery of the service is violated from a moral and legal point of view among others discrimination, in the law based on personal interest, excessive discretion, arrogance, and negative behavior by committing criminal offenses of drug abuse under the Act No. 35 of 2009 on Narcotic Drugs. The crisis of confidence that has arisen is generally the consequence of all the actions of the Polri members who perform their duties without moral responsibility and abuse of authority and power, regardless of the value of good or bad. The behavior that

\textsuperscript{8} A professional code of ethics is a requirement, guidance or moral or moral guideline for a particular profession or is a list of obligations in the exercise of a profession drawn up by the members of the profession themselves and binding them in practice. The code of ethics of a profession contains ethical values that are set as guidance and control advice on how a profession holder should or should act or behave or act in the exercise of his or her profession. In the police profession, have a code of ethics that applies to the police and the police officers. The code of ethics for the police profession is not only based on the need for professionalism, but has also been normatively regulated in Act No. 2 of 2002 followed by Kapolri Regulation No. Pol: 7 of 2022. The Code of Ethics of the Polri Profession is binding on every member of the National Police of the Republic of Indonesia. Pudi Rahardi, Hukum Kepolisian (Profesionalisme dan Reformasi Polri), Laksbang Mediatma, Surabaya, 2007, p.6.
often arises is arbitrary action on duty grounds. This is what provokes the public's lack of sympathy for the police.\(^9\)

The various efforts that have been made by the police institutions to minimize and eliminate the involvement of the police in the case of narcotics, both in the form of providing supplies at the time of the formation of Bintara or Officer education, to the attempt of decisive action for the member who is proven to be involved in narcotic abuse through the general judicial process and is heavily weighed by submitting to him the Code of Ethics of the Police Profession which sanctions his punishment up to dismissal or disrespectful termination from the police service.\(^10\)

A police member who performs his or her duties and authority in violation of the code of ethics of the profession or the disciplinary rules of the police, then the police member shall be held accountable before the Police Code of Ethics Commission or the Police Disciplinary Court. In article 10, paragraph (1) of the Regulation of the Chief of Police No. 7 of 2022 on Institutional Ethics, it is stated that any member of the Police is prohibited from evading and/or rejecting orders of patience in internal inspections and a member of a police officer is forbidden from committing violations of the Code of Ethics of the Professional Police or discipline or criminal acts. The author finds that a member of the police has violated the Rules as a class I narcotics abuser. Narcotics are drugs or substances that are useful in the field of medicine or health services and the development of science.\(^11\) This is stated in the consideration of Act No. 35 of 2009. Narcotics are something that has many benefits, while what is forbidden is its abuse. As stated in the considerations of the law, and on the other hand, narcotic drugs can cause addiction which is very harmful when abused or used without strict and careful control and supervision.\(^12\)

On the one hand, for police officers who violate article 127 of the Narcotic Drugs Act, law enforcement associated with Paragraph 7 of 2022 on the Code of Ethics of Police

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\(^12\) The importance of narcotic trafficking is strictly monitored because it's currently being used a lot for negative things. In addition, through the development of information and communications technology, the spread of narcotics has reached almost all regions of Indonesia to the bottom. A region that had never been touched by the narcotics circulation, which was initially public against these illicit goods has turned into an addict figure that is difficult to release its dependence, see Dikdik, M. Arif Mansur, and Elisatris Gultom, *Urgensi Perlindungan Kejahatan*, Raja Grafindo Persada, Jakarta, 2007, p. 100.
Professions can be disrespectfully dismissed. But on the other hand, society is guided by the Law 35 of 2009 on Narcotic Drugs and Perma, which has implications for the dualism of law enforcement. It calls for sharp criticism from various sections of society about the violation of the code of ethics of the police profession because it is considered discriminatory.

Article 17 paragraph 3 letter e of the Perpol No. 7 Year 2022 explicitly states that the infringement of the CEPP category as referred to in Article 16 paragraph (1) letter b number 3, with the criterion: committing a criminal act and having obtained a judgment with fixed legal force. This provision, which is often ignored, leads to checks on police officers who are victims of drug abuse who do not receive equal treatment and tend to disregard their rights. The same applies to Article 12, paragraph 1, of Government Regulation No. 1 of 2003, which states that a police officer is dismissed without respect from the police service when he is sentenced to imprisonment based on a court ruling which has a permanent legal force and which, in the discretion of the authorized officer, cannot be prevented from remaining in the police office.

According to these two provisions it can be understood that a member of the police may make a resignation without respect when it has been legitimately proven and convinced a criminal offense and the judgment has the force of law is fixed. An earlier ruling with legal force still cannot be suspended for drug abuse perpetrators, because the code of ethics hearing is carried out after a fixed-force ruling. So, it's not preliminary proof that a positive urine is using narcotic drugs so he's immediately convicted without a trial process in court. The consequence of the neglect of the provision is unfavorable for the member concerned. It could be positive urine consuming the narcotics as a trap from his friends, exchanging the urine at the time the tests were done simultaneously. Moreover, a man shall not be found guilty without a judgment. A man shall be found innocent without a decree of law.13

Based on the issues outlined above, this research is essential to obtain a comprehensive picture of the protection of the law against police officers as victims of drug abuse. The imposition of a Sanction of Disrespectful Warning against a police member based solely on evidence of urine without a trial in court is inappropriate and neglects of several legislative regulations. The study is entitled “The Concept of

Protection of Law and Justice for the Republic of Indonesia Police Officers as Victims of Drug Abuse Is Aligned with the Concept of the State of Law”.

Based on the things that have been presented in the background, then the formula of the problems that will be discussed in this study is as follows: How is the Concepts of protection of law and justice for the Indonesian Republic of police officers as victims of Narcotics Abuse Align with the concepts of the state of law adopted?

2 RESEARCH METHOD

The methods used are normative. Research using this method is often also called doctrinal law research. Normative law research is a method of legal research that is carried out by studying library materials or secondary data. Data consists of primary material, secondary material, or tertiary data. Then the data is collected completely, the data are processed, organized, and grouped in classification according to the subject matter and discussion.

3 RESULT AND DISCUSSION

3.1 LEGAL PROTECTION FOR POLICE OFFICERS VICTIMS OF DRUG ABUSE

Protection of victims of narcotics abuse must be a priority to curb and protect police officers who are addicted to narcotic drugs. Satjipto Rahardjo defines the protection of legal as an attempt to protect human rights to the detriment of others. This protection is given to the people so that they may enjoy all the rights given by the law. Satjipto Rahardjo emphasized more on the aspect of assistance to people whose rights were violated by others so that law must be present as a commander to provide protection for himself. Law becomes an instrument of government as a form of state presence. According to Lili Rasjidi and I.B. Wysa, the child's protection can be adaptive and flexible as well as predictive and anticipative. More concrete is the protection of legal

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according to Sunaryati Hartono who states that legals are made for those who are weak and not yet strong socially, economically, and politically to obtain social justice.\textsuperscript{18}

Article 28 (D) (1) of the Indonesian Constitution (hereinafter UUD) 1945 states that everyone has the right to recognition, guarantee, protection of the law fair legal certainty, and equal treatment before the law. According to the Arto Proof, everyone is obliged to obtain the protection of law and justice without discrimination. This right is recognized in the Indonesian constitution.\textsuperscript{19} Legal protection is the right of every individual to be protected by law from acts that violate his or her rights. According to A. Mukti, the justice system should protect the law and justice for the people. The system of justice based on the protection of law and justice is characterized by: first, the high spirit and concrete action of court officials and judges examining cases to assist the seekers of justice and strive as hard as possible to overcome all obstacles and obstacles to the achievement of simple, quick and low-cost justice. Secondly, the courage of a judge who is genuinely willing to break the law and discover the law as well as the progressive reform of the law to bring justice to the parties involved in the case. Third, the action of the judge of the case to determine the executive title, the conviction, and the additional conviction that can support the execution so that the enforcement of the decision can be done in an easy, effective, and efficient way.\textsuperscript{20}

The forms of legal protection for drug abuse perpetrators from the legal perspective of Indonesia can be described as follows:

3.1.1 Obtaining Legal Assistance in the Ethics Examination Process

Police officers who are victims of drug abuse have the right to be accompanied by an escort in the face of an ethical trial. An accompanist is a person or group of people who has certain criteria and the capacity to provide legal advice to a police member as a victim of drug abuse. Usually, the person who acts as an accompanist is someone who understands the law to give legal advice or to give understanding in connection with the authority of the right to the fulfillment of the rights that he should have obtained.\textsuperscript{21}

\textsuperscript{19} A. Mukti Arti, \textit{The Discovery of Islamic Law to Achieve Justice. Building a Justice System Based on Legal Protection and Justice}, Student Library, Yogyakarta, 2017, p. 224.
\textsuperscript{20}Ibid., p. 116.
In connection with the rights and obligations of the accompanying person, article 105 (1) and the Perpol No. 7 of 2022 stipulates that the alleged accompanist of the offender has the following rights: to receive the news of the suspected offender's investigation, to attend the suspect offender at the time of the preliminary investigation and the proceedings of the Police Code of Ethics Commission, to receive a timetable for the execution of the Preliminary Investigation and trial of the police code of ethics commission, to submit questions against witnesses, experts, and suspected violators brought by the Prosecutor in the Procedure of the Commission of the Code of Political Ethics, to present Witnesses and evidence in the proceeding of the Committee, to receive a defense in the Session of the Policeman's Code, and to lodge an objection to the Committee of the Political Code of Ethics on questions of a misleading, discrediting, and concluding nature. According to Isra Fauzi, by understanding the content of the Report of the Investigation which has been compiled by the suspected infringer, then it will be easier for the accompanying to compile defenses that can have a positive impact on him.22 The same thing is also expressed by Rudi Ilmawan who explains that the escort is very urgent to obtain the News of the Investigation Event.

The importance of the news of this Examination Event is that the Escort can understand integrally and universally the initial connection that is the point of the question so that the suspected have to deal with the case of violation of police ethics.23 Thus it can be understood that the granting of the News of the Investigation Event to the suspected accompanist of the offender is a very important right to obtain.

Article 105 (2) of the Perpol No. 7 of 2022 it is stated that the Supposed Offender's Associate is obliged to: have a power of attorney of the suspected offender and/or an order from the Chief of the Working Unit, give advice and judgment to the suspect offender, prepare and read the defense note in the Police Code of Ethics Commission, defend the rights of the supposed offender; and prepare and deliver the Appeals Memorandum. According to Raswin, the presence of an escort at the time of the inspection process is passive. In other words, the accompanist only witnessed the ongoing inspection process without commenting except at the request of the inspector himself. Although the existence is passive, it is crucial to see the process as the beginning of defenses at a later stage.24

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22Isra fauzi, investigator Aceh Police Headquarter, interview, 23 May 2023.
23Rudi Ilmawan, investigator Aceh Police Headquarter, interview, 23 May 2023.
3.1.2 Appeal to the Police Code of Ethics Commission

The second legal protection given to police officers involved as victims of drug abuse is by allowing them to appeal. An appeal is the attitude of a drug abuse victim who fails to accept the judgment ruled by the Police Code of Ethics Commission in the first instance. There are two possibilities for this appeal, being used or not by a police member who is a victim of drug abuse.

An appeal to the police code of ethics can be made by a police member or by a party who feels harmed by a decision or action of a police agency in connection with a violation of the ethics code committed by a police member. The first step that can be taken is to submit an appeal in writing to the Polri Code of Ethics Commission. Appeals must be accompanied by justification or supporting evidence and must be submitted within the time specified by the Police Code of Ethics Commission. However, it should be remembered that filing an appeal to the police code of ethics does not remove or change a sanction or judgment imposed by a police agency.

However, an appeal may provide an opportunity for Polri members or persons who feel injured to express their views or objections to a decision or action taken by a police agency. In this case, appeals are considered to be a means that can help to improve and improve the quality and integrity of police institutions in the performance of their duties and responsibilities.\(^\text{25}\)

3.1.3 To File an Unrespectful Resignation Lawsuit with the State Enterprise Court

The other protection that a police officer can obtain as a victim of drug abuse is to file a Disrespectful Cessation lawsuit with the State Enterprise Court. The object that becomes the jurisdiction of the State Business Court is to judge a case against a decision issued by a State Business Tribunal officer, by a disrespectful resignation by the Office of the Court of State Business, then it may be legally authorized to lodge a lawsuit with the National Business Court. Under article 47 of Law No. 5 of 1986 on State Business Justice, the State Business Court is responsible and authorized to examine, terminate, and resolve State Business Disputes. Submission of cases with the object of the State Business

Tribunal is one of the forms of legal protection granted by the State to police members as victims of narcotics abuse. The Disrespectful Resignation issued by the State Enterprise Justice Officer has become the subject of dispute at the National Enterprise Court. According to Article 1, paragraph 10, of Act No. 51 of 2009 on the Second Amendment of Law No. 5 of 1986 on State Enterprise Justice, a state enterprise dispute is a dispute arising in the field of state enterprise between a person or body of civil law with a body or official of State enterprises, both at the centre and in the district, as a result of the issuance of a state business decision, including a civil dispute based on the provisions of the applicable laws.

As to the procedures for filing a lawsuit to the National Court of Commerce by a Polri member in connection with a violation of the Non-Honourable Resignation, the following are as follows: first, prepare documents and evidence to support your lawsuit. Such document and evidence may be a decision or administrative action to your detriment, as well as other supporting evidence. Second, file a lawsuit to the National Business Court through law enforcement or directly. Third, after the lawsuit has been filed, the State Business Court will give a call to you and the defendant to attend the trial. Fourthly, in the trial, the plaintiff and the defendant will present the arguments and the evidence they have. After that, the judge will decide the lawsuit based on the existing law and facts. Fifthly, if your claim is adjudicated, then the National Commercial Court may order the claimant to restore the rights and interests that have been violated or to provide compensation for the losses suffered by the plaintiff.

3.2 FORMS OF DRUG ABUSE IN COMMITTED BY THE INDONESIAN POLICE

The practice of drug abuse is a violation of the provisions of the law. Drug abuse against the law can be punishable either by imprisonment or rehabilitation by the provisions of the Narcotics Act. The attempt to detect a Polri involved in a drug abuse case can be due to two things: the presence of taxation that is routinely carried out by the police institution and there are police members known with reports from the public.

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26 Warosidi, Chairman of Ethical Code Trial Aceh Police Headquarter, interview, 23 May 2023.
29 Rudi Ilmawan, investigator of Aceh Police Headquarter, interview, 23 May 2023.
This internal police urine test is part of Polri’s responsibility to monitor its members so that they are free from drug abuse practices and victims of narcotics abuse. Both of these things will be described as follows:

### 3.2.1 Routine urine tests in the Internal Police Members

The purpose of the urine test for Polri members is to ensure that Polri Members do not use narcotic drugs or other illicit drugs that may affect their performance and behavior in carrying out their duties and responsibilities as law enforcement. Urine tests are carried out as part of an effort to maintain the integrity and professionalism of police institutions and to increase public confidence in the police. In addition, the urine tests are also intended to protect the safety and health of the Polri members themselves, as well as protect the public from the risk of drug abuse by police officers that could jeopardize public safety. Urine tests can also help identify Polri members who may need help or treatment for drug abuse issues. The member involved in this urine test may be able to be re-established.³⁰

The purpose of urine tests for Polri members is to ensure that police members are not involved in drug abuse and meet the requirements set by their institutions. Urine tests are performed to detect the presence of illegal substances in the body of Polri members, which can endanger their health and also affect their performance and integrity as law enforcement.³¹ The dismissal of Polri was done very carefully so that justice could be felt by Polri’s members. And so many other considerations that when a leader falls within the Law of No Respect Warning, leaders will think about the extent to which the impact arises as a result of the code-ethical violations committed and have an impact on the institution. If the name of the institution has been scolded, it will be punished with the punishment of disrespectful resignation.³² Urinary tests are also performed as a form of prevention and early detection of drug abuse by police officers. By conducting routine urine tests, the police can detect early members involved in narcotic abuse and provide appropriate treatment, whether it is rehabilitation or disciplinary action under applicable regulations.

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³⁰Ibid
³¹Jati, Emanuel Bimo Wahyu. “Juridical Study Regarding the Reasons for the Military Prosecutor’s Cassation Against the Judex Facti Acquittal Decision Due to Ignoring Witness Statements and Urine Test Results for Narcotics Abusers (Study of Supreme Court Decision Number 225 K/MIL/2016).” Verstek 8, no. 1.
³²Isra fauzi, Aceh Regional Police Investigator, interview, 23 Mei 2023.
Urine tests for Polri members can help maintain public security and order, as well as ensure that police officers work with a high level of professionalism and integrity. Urine tests are considered preventive and proactive measures aimed at ensuring public security and confidence in the police as a professional and reliable law enforcement agency.

3.2.2 Public Reports

The second model that the police are trying to detect a police member who is using narcotics is with reports from the public. Public reporting of police officers involved in drug cases is critical and should be seriously followed up by the police. Such reporting can help the police in uncovering cases of drug abuse and preserving the integrity and quality of the police officer. Public reports of police members involved in drug cases are very important information and should be taken seriously by the authorities. As a law enforcement agency responsible for enforcing the law and maintaining public order, the police must investigate and enforce the law against its members involved in a drug case. Any public report must be taken seriously and must be processed quickly and effectively by the police, ensuring that the investigation is conducted objectively and transparently and that there is no special treatment for the police involved. If the public knows or suspects that a police officer is involved in a drug case, they can report it to the police or the authorities. In this case, the public can report the incident to the Police Professional Security Division located at the police agency.

3.3 DISRESPECTFUL TERMINATION OF A POLICE OFFICER VICTIM OF DRUG ABUSE IN THE PERSPECTIVE OF LEGAL PURPOSES

The purpose of the legally disrespectful suspension of police victims of drug abuse is to preserve the integrity and professionalism of the police institution and to ensure that police members who violate the rules relating to narcotics abuse are no longer able to represent and serve the public effectively. In other words, a disrespectful dismissal of a

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33Ibid.
34Rudi Ilmawan, investigator of Aceh Police Headquarter, interview, 23 May 2023.
35Warosidi, Chairman of Ethical Code Trial Aceh Police Headquarter, interview, 23 May 2023.
36Raswin, Counsel at Aceh Police Headquarters, interview, 23 May 2023.
37Azhari, Prosecutor at Ethical Code Trial Aceh Police Headquarter, interview, 23 May 2023.
38Warosidi, Chairman of Ethical Code Trial Aceh Police Headquarter, interview, 23 May 2023.
A police officer implies the loss of his previous duties and functions. A member cannot fulfill his duties and duties as a Polri member after being sentenced to dismissal without respect.\textsuperscript{40} In this context, giving disrespectful termination serves not only as a sanction for violations but also as a preventive measure to prevent similar incidents from occurring in the future. It aims to maintain public confidence in the police and ensure that the agency remains able to carry out its tasks effectively and efficiently.\textsuperscript{41} The disrespectful resignation of police victims of drug abuse can be seen from the perspective of legal objectives that relate to the interests of the state and society. Some of the relevant legal purposes are:

1. Protecting the interests of the State and the public, with a disrespectful resignation to the police victims of drug abuse can be seen as an attempt to protect the interest of the state and society from harmful and illegal actions.
2. Enforcing the law and police discipline, disrespected resignations to the policeman victim of narcotic abuse may also be viewed as a measure to enforce the law and policemen's discipline.
3. Encouraging Police Performance Improvement, with disrespectful cessation of police victims of drug abuse can be a driving factor for improving police performance. By imposing strong sanctions on police members who abuse drugs, the police can demonstrate their commitment to combating narcotics abuse and improving the image of public police institutions.\textsuperscript{42}

To give the effect of pain to other police officers not to commit similar offenses, and to give an example to the public that drug abuse is a detrimental act and will be punished strictly by the law. Nevertheless, before taking a Non-Honourable Cessation action, the police officer involved in narcotics abuse also has the right to legal protection and a fair trial. Fair legal proceedings will provide legal certainty for the police officers and can also minimize errors in the decision-making process.\textsuperscript{43} The action against the police victims of drug abuse must be taken in light of the legal objectives and the rights of the police officers. It is important that the action taken by the police institutions can be properly carried out and the integrity of the policing institutions is preserved. The disrespectful cessation of police victims of drug abuse can be considered a legal action.

\textsuperscript{41} Isra fauzi. Investigator of Aceh Police Headquarter, interview, 23 May 2023.
\textsuperscript{42} Rudi Ilmawan. Investigator of Aceh Police Headquarter, interview, 23 May 2023.
\textsuperscript{43} Azhari, Prosecutor at Ethical Code Trial Aceh Police Headquarter, interview, 23 May 2023.
that Polri can take. However, such action must be based on mature consideration and in the perspective of clear legal objectives.

However, it should be noted that each case must be considered individually and its context should be considered before deciding on the DPO. Different legal purposes may have different interests depending on the case, and sanctions such as the DOP must be given with mature consideration to ensure that the desired legal goal is achieved.44 The non-respectful cessation of a police officer who has proven to abuse narcotic drugs has an important legal purpose in the integrity and credibility of Polri's institution as a professional and trusted law enforcement agency. This means that law enforcement is being carried out against the police officers to preserve the police institutions so that there is no negative stigma from all walks of life.45

3.4 ANALYSIS OF JUSTICE PERSPECTIVE ON LAW ENFORCEMENT OF POLICE OFFICERS OF DRUG ABUSE

Equality before the law is the principle of the law that affirms that everyone in the law has the same right to be recognized as an independent and equal individual without exception. That is, everyone should be treated equally under the hook, regardless of social status, economic status, religion, gender, race, or other factors. It also prevents discrimination or unfair treatment of certain individuals or groups within the legal system. Construction and rehabilitation of police officers who have been victims of drug abuse must be advanced. It's important to do so that the police officers can return to being trusted and respected by the public.46 The treatment of Polri members involved in narcotics must be done in a transparent and accountable manner. The legal processes must be open to the public, and the public must be able to monitor and evaluate the actions taken by law enforcement agencies. The treatment of police members involved in narcotics must be based on the principles of justice to preserve the integrity of the law and the police institutions. Several aspects should be taken into account in conducting a justice analysis

in the treatment of police officers involved in narcotics, namely: 47 1). The handling of the law given must reflect the values of justice. Police officers involved in narcotics must be treated by applicable law without any special treatment or discrimination. 2). Equal treatment with the general public: Police officers involved in narcotics should be treated in the same way as other people involved in drug cases. 3). Consistent law enforcement, i.e., the handling of cases involving police officers, should be conducted consistently and continuously. 4). Human rights protection means that even if involved in drug cases, police officers still have human rights to be protected.

In the handling of police officers involved in narcotics, it is important to pay attention to all aspects involved and ensure that the handling is carried out under the principles of justice and applicable law. 48 It will help maintain the integrity of the police as an institution responsible for enforcing the law and providing protection to the public. Precautionary measures should also be taken to prevent similar actions in the future. This can be achieved through improved education and training for police officers, as well as improved supervision and control over the activities carried out by police. The concept of justice and legality proposed by Hans Kelsen was to establish a solid foundation of a particular social order, according to Hans Kelse the notion of "justice" means legality. A general rule is "fair" if it is applied, while it is "unfair" when it is applied to one case and not to another similar case. 49 This is the concept of legality that is applied in Indonesian National Law. From the interpretation described above, it can be understood that there is a difference in treatment between ordinary people and police officers involved in drug abuse cases. This is not in line with the concept of the rule of law adopted in Indonesia, which ideally equalizes everyone's position before the law. The public is entitled to rehabilitation, while for the police officer, there is no even greater likelihood of a disrespectful resignation that will result in losses for him. This injustice is due to the rule of Police Regulation No. 7 of 2022, which permits the imposition of a punishment of disrespectful resignation on a police officer involved in a drug abuse case. Ideally, the Police Regulations follow the Acct No. 35 of 2009 on Narcotic Drugs, because this law is higher than the Police Regulations.

49 Ibid, p. 19
4 CONCLUSION

The assurance aspect of this legal wishes that in its enforcement efforts legals can assure the parties in need. The certainty of the legal desires that the one who possesses something be given certainness by the rule of law. According to Maria S.W. Sumardjono the concept of the certainty of the legal is that "normatively, the certainties of the Legal requires the availability of legislative regulatory devices that are operational and support its implementation. Empirically speaking, the existence of the rule of law needs to be implemented consistently and consequently by the human resources that support it." In this respect, public reporting is seen as an important means of providing support and feedback to police agencies in their integrity and professionalism. By reporting a police member involved in a drug case, the public can help increase the confidence and credibility of the police as a professional and trusted law enforcement agency.

In sanctioning the non-respecting, it is also important to ensure that these actions are taken under the right procedures and in conformity with the principles of justice and human rights so that there is no abuse of authority or discrimination against the Polri members concerned. The ultimate purpose of giving disrespectful resignations to police victims of drug abuse is to maintain public confidence in the police and enforce law and discipline in the institutions. The acts of narcotics abuse by police officers are a serious violation of the rules and codes of ethics of their profession, as well as violating public confidence in the police. In the handling of police officers involved in narcotics, it is important to pay attention to all aspects involved and ensure that the handling is carried out by the principles of justice and applicable law. It will help maintain the integrity of the police as an institution responsible for enforcing the law and providing protection to the public. Precautionary measures should also be taken to prevent similar actions in the future.

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