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Legal Protections For Victims Of Police Violence During Demonstration Demonstrations

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Abstract: This paper discusses the issue of police violence in securing demonstrations against the Omnibus Law Job Creation Law in Indonesia. The authors argue that the police's use of violence is a violation of human rights and that there is a need for greater professionalism among law enforcement officers. The paper begins by discussing the right to freedom of expression, which is guaranteed by the Indonesian Constitution. The authors then argue that the police have a duty to protect this right, even when dealing with demonstrations that may turn violent. The authors then discuss the specific case of the demonstrations against the Omnibus Law Job Creation Law, which took place in October 2020. The authors argue that the police used excessive force in breaking up the demonstrations, and that this resulted in numerous injuries and deaths. The authors conclude by calling for greater professionalism among law enforcement officers in Indonesia. The authors argue that this is necessary to prevent future violations of human rights.

Keywords: Police Violence, Demonstrations, Human Rights.

I. INTRODUCTION

Article 3 Paragraph 1 of the 1945 Constitution of the Republic of Indonesia states that "*The Republic of Indonesia is a state of law*" so that in order to carry out good governance, the legislature, executive and judiciary must always carry out their duties based on the law, in this case written law to avoid misuse of authority by government to its citizens. Indonesia as a legal state based on written rules or written law (*ius scriptum*) in this case is called regulations, it is no longer taboo to say that regulations or what is often called laws in the broad sense are not in the narrow sense has become one of the main needs of humans in their efforts to achieve justice (justice), peace (peaceful) and legal certainty (legal certainty).

In addition to the limitation of authority that presents legal certainty, the law also regulates freedom of expression to achieve justice. The right to express opinions is a human right that is guaranteed in Article 28 of the 1945 Constitution of the Republic of Indonesia which states: "*Freedom to associate and assemble, to express thoughts orally and in writing and so on shall be established by law*", the freedom to express opinions is in line with Article 19 of the Universal Declaration of Human Rights which states: "*Everyone has the right to have and to express opinions without interference and to seek, receive and impart information and ideas through any means and regardless of borders*". The principle of freedom of expression is also contained in many sources of human rights law, including Articles 19 and 20 (1) of the Universal Declaration of Human Rights (UDHR). The Universal Declaration of Human Rights is the most important international document regulating human rights. This Declaration is an effort to establish a common standard that must be adhered to by all nations in the world.

Normatively, for the Indonesian National Police (POLRI), respecting human rights is part of carrying out its duties. Article 19 of Law Number 2 of 2002 concerning the Indonesian National Police states that "*In carrying out their duties and authorities, Polri officials always act based on legal norms and respect religious norms, politeness, morality, and uphold human rights*". However, securing demonstrations is indeed not an easy matter. In demonstration situations, the police face a constitutional dilemma and operational problems, namely between carrying out their responsibility to maintain public order and at the same time being the protector of the constitutional mandate and the rights of demonstrators. However, under any circumstances, the apparatus is still obliged to respect human rights principles and standards.

In the context of the Republic of Indonesia, today it is experiencing various problems, starting from the increase in prices of basic necessities and government decisions or policies that are considered detrimental to the community, so that the community protests by way of oration together. The oration shows the community's disappointment with the government's policies or decisions that are carried out by some of the community, the oration carried out by the community is also known as a demonstration. The increasing diversity of community activities requires the handling of demonstrations in line with the strengthening of Civil Society and Good Government.

Indonesia itself has formed Law Number 9 of 1998 concerning Freedom of Expression in Public Article 1 paragraph (3) which states that: "*Demonstrator or demonstration is an activity carried out by one or more people to express thoughts orally, in writing, and so on demonstratively in public*". With the formation of this law, it is hoped that the community can carry out activities to express opinions in public freely but still uphold responsible freedom. The exercise of this right does not require police permission. In accordance with Law Number 9 of 1998, it only requires notification to the police, and it is the Police's obligation to provide guarantees of respect and protection for the right to express opinions in public as stipulated in Article 13 of Law Number 9 of 1998.

Discretion is based on the principle of general police obligations (*plichtmatigheids beginsel*), which is a principle that gives authority to police officials to act or not act according to their own judgment, within the framework of their general obligation to maintain, preserve order, and guarantee public safety. Democracy places the people or society as the party that has power, but what actually happens is that the people have no power at all when violence happens to them. The government, as a representative already appointed by the people, should protect its people from all forms of violence, especially when they express their opinions directly as a form of concern for the government and the state.

This paper will discuss a specific case of police violence against protesters in Indonesia during the demonstrations against the Omnibus Law on Job Creation (UU Cipta Kerja) which took place on October 6-8, 2020. The paper will analyze the factors that led to the violence and the human rights violations that occurred.

II. RESEARCH QUESTION

Based on the background information above, the following research questions are formulated:

1. How is the enforcement arrangement of criminal law and its consequences for the Indonesian National Police (POLRI) proven to have committed violence against demonstrators?
2. How is the legal protection that provided to victims who experience violence perpetrated by the Indonesian National Police (POLRI) officers during demonstrations?

III. PURPOSE OF WRITING

The purpose of writing this research is as follows:

1. Knowing the regulations for criminal law enforcement and the legal consequences for the National Police who commit violence against demonstrators.
2. Knowing the legal umbrella for demonstrators who are victims of physical violence during demonstrations by police officers.

IV. RESEARCH METHODOLOGY

The type of research in this study is normative juridical. This means that the approach taken is to analyze the theories, concepts, and regulations related to the research topic. Normative juridical research is legal research that places law as a system of norms. The system of norms referred to here is about principles, norms, and rules from regulations, agreements, and doctrines (teachings). This normative research is a study of the legal system, which aims to identify definitions or bases in law. We want to study the legal protections available to victims of persecution perpetrated by members of the Indonesian National Police (POLRI) during demonstrations. This will involve analyzing the relevant laws, regulations, and case law to determine the rights of victims and the obligations of the police. We will also discuss the challenges to obtain justice for victims of police brutality and recommend reforms to the legal system.

V. DISCUSSION

2.1 The Enforcement Arrangement of Criminal Law and Its Consequences for the Indonesian National Police (POLRI) Proven to Commit Violence Against Demonstrators

Both legal regulations and those who enforce them are parts of criminal law enforcement. The police must have broad understanding and expertise in law enforcement to effectively enforce legal regulations, as they are regarded as role models by society. The police must not violate the law in carrying out their duties and must always prioritize the rule of law. According to Indonesian Regulation of the Chief of Police Number 1 of 2009 Regarding the Use of Force in Police Actions, as stated in Article 2 Paragraph (2), the purpose of using force in police actions is to prevent, obstruct, or stop the actions of criminals or suspects who are attempting to or are committing acts contrary to the law, fleeing, or engaging in actions that endanger members of the police or the public. Actions to protect oneself or the public from threats of actions by criminals or suspects that could cause serious injury or death; or to protect one's own or the public's honor, decency, or property from attacks that violate rights and/or threaten human life, are also justified police actions.

As long as such actions do not harm security personnel, demonstrators, or local residents, and remain within acceptable limits and comply with legal boundaries, the use of force may be justified. Assuming that protesters suffer severe injuries due to excessive use of force, the perpetrators must be prosecuted as criminals. Violence perpetrated by Indonesian National Police (POLRI) officers against demonstrators has no legal basis. The act of "abusing authority" by the POLRI in carrying out its official duties is prohibited under Article 6 letter q of the Indonesian Government Regulation Number 2 of 2003 concerning Police Discipline Regulations. Therefore, depending on the severity of the offense, judicial procedures must be initiated if there are POLRI officers involved in violence. The POLRI will conduct disciplinary hearings, ethical code hearings, or even general hearings to hold their members accountable for the violations committed. Based on the content of Article 351 of the Indonesian Criminal Code (KUHP) discussed earlier, it is clear that for an act to be considered a criminal act of assault, it must be done intentionally without proper motive or beyond permissible limits and must not be considered normal harassment. If severe harm or death occurs due to this fundamental abuse, the punishment will be more severe. Article 354 (serious assault) applies in cases intended to cause serious harm, while Article 338 (murder) applies in cases intended to kill. These articles then serve as boundaries in determining whether the actions taken by the police constitute discretion or assault.

It is important to have regulations that set boundaries to determine whether the use of force by security forces in responding to anarchist demonstrators is appropriate and legal, or whether such actions are excessive and violate procedures. There's opposition to security forces' efforts to apprehend demonstrators during protests. The community not only needs to know the limits of police activities but also help security officers understand where they should draw the line. Only then can the public assess whether police actions are appropriate or excessive.

Based on the case of the demonstrations on October 6-8, 2020, the police engaged in beatings of demonstrators, which could be subject to Article 170 of the Indonesian Criminal Code (KUHP), which states:

- 1) Whoever openly and with collective force uses violence against a person or property, is punishable by imprisonment for a maximum of five years and six months.
- 2) The guilty party is punishable by:

1. imprisonment for a maximum of seven years, if they intentionally destroy property or if the violence used causes injuries;
2. imprisonment for a maximum of nine years if the violence causes serious injuries;
3. imprisonment for a maximum of twelve years if the violence causes death.

Police officers who act excessively and contrary to procedures are indeed not regulated by a specific law regarding sanctions for their excessive actions during securing demonstrations. However, in the Indonesian Police Law, Article 29 Paragraph (1) states that, "members of the Indonesian National Police are subject to the authority of the general judiciary." This means that police officers who commit a criminal act are subject to general rules, namely the Indonesian Criminal Code (KUHP) if they commit a criminal act. If it is proven that the police exceeded limits and acted contrary to their procedures during a demonstration, it can be said that they have committed an unlawful act and must be held accountable for their actions. If violence occurs during a demonstration, Article 351 regarding assault may be applied.

However, members of the security forces are only responsible for their actions through disciplinary measures and the police professional code of ethics; This is especially true when it comes to violence committed by the police during demonstrations, particularly when dealing with anarchist protesters.

Given the above, it is reasonable to assume that the discretionary authority granted to police officers under Article 18 Paragraph (1) of the Indonesian Police Law must be subject to certain limits to ensure that officers do not make reckless decisions that could harm innocent people in danger. Based on Article 29 Paragraph (1) of the Indonesian Police Law, police officers can be subject to criminal sanctions under the Indonesian Criminal Code if they exceed their authority when protesting and use violence resulting in injury or death to protesters.

Violations of these provisions may give rise to rights for affected members of the public to file complaints or reports so that the police officers who commit deviations or violations can be subject to complaints and investigation processes for the violations committed by police officers, as follows:

1. According to the Decree of the Chief of Police Number 33 of 2003, the complainant may come from the public (victims or their representatives), members of the Police, relevant agencies, Non-Governmental Organizations (NGOs), or the Mass Media.
2. Reports are submitted to the Complaint Service both at the National Police Headquarters (MABES POLRI) and at the regional or local levels.
3. Initial examinations are conducted by the Provoost function bearers at every level of the Police organization, such as the Professional and Security Division (DIVPROPAM) at the National Police Headquarters (MABES POLRI).

The results of the examination will be reviewed, with the following outcomes:

1. If there are elements of criminal acts, the case files will be handed over to the Criminal Investigation Agency (BARESKRIM) for further examination in a public court;
2. If there are elements of ethical code violations, the case files will be referred to the authorized superior who will then establish a POLRI ethics commission;
3. If there are elements of disciplinary violations, the case files will be referred to the authorized superior for further examination in a disciplinary hearing.

Regarding each violation, there are different sanctions, including the following:

1. If it is proven that the violation involves criminal elements, then the sanctions are based on the provisions of the Indonesian Criminal Code;
2. If it is proven that the violation is an ethical code violation, then the sanctions imposed include: being declared as reprehensible behavior; being ordered to express regret and apologize in a limited and public manner; undergoing retraining in the profession; no longer being eligible to practice the police profession.

Police, in carrying out their duties as protectors of society, are required to enforce the law in any field, and they are expected to be fair and accountable for their actions. However, this does not mean that the police can arbitrarily enforce the law without being held accountable. Criminal accountability can only occur if someone has previously committed a criminal act.

The elements of criminal accountability can be explained as follows:

1. Committing a criminal act (contrary to the law)

A criminal act is an action or behavior that should not be done and is contrary to legal rules and is punishable for those who violate them. Moeljatno in Mahrus Ali stated that, "criminal acts only refer to actions that are prohibited and punishable by criminal sanctions. Whether someone who commits an act is sentenced depends on whether they were at fault in committing that act."

2. Above a certain age and capable of being held accountable

Being capable of being held accountable means that a person is mature, has sound mind, and can distinguish between permissible and impermissible actions.

Mahrus Ali stated that: There are at least two factors to determine the existence of accountability, namely the intellect factor and they will factor. Intellect means being able to distinguish between permissible and impermissible actions. Whereas will means being able to adjust one's behavior with awareness of what is permissible and impermissible.

3. Having a form of fault in the form of intent or negligence

Roeslan Saleh in Mahrus Ali stated that, "fault is the reproachability of the perpetrator of a criminal act because from the community's point of view, they could have done something else if they didn't want to commit that act."

- Intent:

D. Schaffmeister, N. Keijzer, PH. Sutorius in Mahrus Ali stated that, "the Wetboek van Strafrecht of 1908 defines intent as the will to perform or not to perform acts prohibited or required by law." Meanwhile, Mahrus Ali stated that, "intent is when the consequence of an action is desired, when that consequence becomes the true purpose of the action."

- Negligence:

Simons in Mahrus Ali stated that: Generally, negligence consists of two parts, namely not being careful in performing an action, in addition to being able to anticipate its consequences. However, even if an action is done carefully, negligence can still occur if the actor knows that the action may result in a consequence prohibited by law. Negligence occurs when someone still performs the action even though they knew or suspected its consequences. The foreseeability of the consequence by the perpetrator is an absolute requirement. A consequence that cannot be foreseen beforehand cannot be attributed to them as negligence.

4. No justifying or excusing reasons

Chairul Huda in Mahrus Ali stated that: In criminal law doctrine, a distinction is made between reasons that eliminate the criminal nature of an act, known as justifying reasons, and reasons that eliminate culpability, known as excusing reasons. Justifying reasons lead to the 'justification' of an act that initially appears to be against the law, while excusing reasons result in 'excusing' its commission even if it constitutes a criminal act.

The violent actions committed by the police against demonstrators have fulfilled several elements of an offense to be held accountable for their actions. However, one of the reasons why the violent actions committed by the police are difficult to hold accountable is due to justifying reasons, where violence is carried out to stop anarchic actions by the demonstrators. The police claim that the violence against demonstrators is in accordance with procedures, as it is done in response to actions by demonstrators that are not in accordance with the law.

Roeslan Saleh said: "A person cannot be held accountable and sentenced if they did not commit a criminal act. But even if they commit a criminal act, they may not always be punished." According to Van Bemmelen, the element of being capable of being held accountable must exist in order to prosecute a perpetrator. If a mistake occurs, and a perpetrator is considered incapable of being held accountable, meaning the act cannot be attributed to them, they will be exempt from all legal claims. Reading the opinion of van Bemmelen above, this means that in order to prosecute someone, they must truly be capable of being held accountable for their actions.

It is the obligation of the police to handle the turmoil in protests. In realizing and establishing a clean government and organization, the Indonesian National Police (POLRI) continues to implement programs and be responsible for the reform programs in law enforcement. This is a follow-up, issued by the Minister of Justice Decree No. 28 of 1998 concerning the establishment of the Legal Reform Team, law enforcement is the spearhead in efforts to combat violations and criminal acts. Not excluding the police, who are the state apparatus given authority to enforce the law. Law enforcement efforts carried out by the government cannot be separated from the police. The main task of the Indonesian National Police itself according to Law No. 2 of 2002 Article 13 regarding the Police is to maintain public order and security, enforce the law, and provide

protection, assistance, and service to the public. The imposition of sanctions by the Indonesian National Police, which has changed from the application of military justice processes to general justice processes in accordance with Government Regulation No. 3 of 2003 concerning the Technical Implementation of the Institutionalization of General Justice for Members of the Indonesian National Police. Actions by members of the Indonesian National Police that are considered violent and violate its provisions can be prosecuted under the Criminal Code. Actions taken by the Indonesian National Police in committing violence, such as beating and kicking by officers against protesters, which are not in accordance with procedures, are highly unjustified. Disciplinary enforcement efforts and the judicial process in the Police are needed to achieve the implementation of the tasks assigned and the attainment of Police professionalism. Law enforcement cannot function properly if the law enforcers themselves (the Police) are undisciplined and unprofessional. The indiscipline and unprofessionalism of the Police will have a significant impact on law enforcement or the disclosure of reports and complaints that occur in society.

2.2 Legal Protection Provided to Victims of Violence Perpetrated by the Indonesian National Police (POLRI) During Demonstrations

Legal action refers to any intentional human act aimed at creating rights and obligations. Every legal relationship generates rights and obligations, and given the differing interests within society, conflicts may arise. To mitigate tensions and conflicts, laws governing and protecting these interests are termed legal protection. Soerjono Dirjosisworo outlines various protection measures for the general public, including:

1. Protection of individuals from harassment by others or groups in societal interactions resulting in harm due to various factors.
2. Protection of individuals suspected of wrongdoing from abuse by law enforcement officers during criminal proceedings.
3. Protection of society from potential actions or inactions by members of the community.

Article 1 paragraph 3 of the Constitution of the Republic of Indonesia of 1945 states that Indonesia is a legal state. Thus, the state guarantees the legal rights of its citizens by providing legal protection, which becomes a right for every citizen, including anyone expressing opinions in public. Legal protection for victims of abuse by POLRI personnel during demonstrations is a tangible manifestation of the state's and government's recognition of human rights. Legal protection of the rights of individuals expressing opinions in public is a realization of the purpose of law itself. Law serves the function of achieving protective measures that are predictive and anticipatory. Law is necessary for those who are socially, economically, and politically weak and unable to obtain social justice.

Legal protection needs to consider stages, namely legal protection arises from legal provisions and all legal regulations provided by society, which essentially represent the agreement of that society to regulate the behavioral relationships between members of the society and between individuals and the government deemed to represent the interests of the society. Based on this understanding, legal protection can be said to be an effort to protect through regulations, whether in written form or through law enforcement actions in ensuring legal certainty. In relation to this discussion, demonstrators have the right to legal protection from the infringement of their rights, and it is the good faith of the police or other involved parties to ensure this.

Legal protection is both preventive and repressive. For victims of violence, legal protection is needed both preventively and repressively, where one of these legal protections is the responsibility of the perpetrator. The government also carries out legal protection both preventively and repressively. In the context of legal protection for victims of violence by POLRI personnel during demonstrations, the forms of legal protection that can be used are preventive and repressive legal protection. Essentially, the state has provided protection with the aim of preventing violations before they occur. This is found in legislation, including the rights of citizen as Indonesian citizen, with the intention of preventing violations and providing guidelines or boundaries in fulfilling obligations, as well as repressive measures, which are a form of enforcement of established regulations.

Legal protection against victims of violence by POLRI personnel during demonstrations is provided by the government as an obligation with the aim of fulfilling the rights of citizens. Upholding the rights and sovereignty of the people with fair and sustainable principles for the community is the government's obligation. According to Setiono, legal protection is an action or effort to protect the community from arbitrary

acts by authorities that are not in accordance with the law, to achieve order and tranquility thus allowing humans to enjoy their dignity as human beings.

Legal protection is an activity that protects individuals by harmonizing values or norms manifested in attitudes and actions to create order in human interactions. Article 4 of the Law on Freedom of Expression in Public, which states that the purpose of regulating freedom of expression in public is to:

1. Realize responsible freedom as one of the implementations of human rights in accordance with Pancasila and the 1945 Constitution;
2. Achieve consistent and continuous legal protection in ensuring freedom of expression;
3. Create a conducive climate for the development of participation and creativity of every citizen as a manifestation of rights and responsibilities in a democratic life;
4. Place social responsibility in community, national, and state life, without neglecting individual or group interests.

The government has provided protection to prevent violations, which is embodied in the form of legislation as guidelines in fulfilling obligations. This is commonly referred to as preventive legal protection. Final protection comes in the form of sanctions such as fines, imprisonment, and additional penalties if a dispute or violation occurs, meaning that law enforcement is conducted both in criminal law and enforcement in terms of ethics. Final legal protection is commonly referred to as repressive legal protection.

According to Article 13 of the Regulation of the Chief of the Indonesian National Police No. 9 of 2008 (PERKAPOLRI 9/2008) regarding Procedures for the Organization, Services, Security, and Handling of Cases of Public Expression of Opinion, which regulates the Duties and Obligations of Government Apparatus:

Article 13 In the implementation of public expression of opinion by citizens, government apparatus is obligated and responsible for:

1. Protecting human rights;
2. Respecting the principle of legality;
3. Respecting the presumption of innocence; and
4. Conducting security.

Discretion in the dissolution of demonstrations can include the use of tear gas and rubber bullets. Police discretion in such actions does not violate human rights because the police are tasked with protecting the human rights of other members of society. Individuals will not face such actions if they comply with government instructions. Police discretion does not violate human rights as long as it is carried out according to applicable procedures. If a police officer acts in accordance with the law, disciplinary action may be taken against them. The police are not immune to the law because the obligations and rights of the police are regulated by law. Additionally, the police must be sensitive to societal conditions and accountable to society and the state.

The Indonesian National Police Chief's Standard Operational Procedure (PROTAP) No. PROTAP/1/X/2010 on Combating Anarchy, in the introduction section under general provisions letter a, states that "Anarchy is a form of legal violation that endangers security and disrupts public order, thus requiring swift, precise, and firm enforcement while upholding the principles of Human Rights (HAM) and in accordance with applicable laws and regulations." In PROTAP 1/X/2010, it is stated that "Police action is a forced effort and/or other actions carried out responsibly according to applicable law to prevent, hinder, or stop anarchy or other criminals threatening safety or endangering life, property, or honor, in order to realize law and order and maintain public tranquility."

Adhering to the mandate of legislation in maintaining security, protection, and service to the public is the main duty of the police force and must be carried out professionally. Police professionalism is crucial in dealing with current situations. The lack of professionalism among the police force can threaten public security and order, thus undermining the pursuit of fair law enforcement for all individuals if police personnel interpret their duties and authorities independently, as stipulated in Article 18 paragraph (1) of Law Number 2 of 2002.

Regarding riots or anarchy, they are already regulated in the Indonesian National Police Chief's Standard Operational Procedure No. PROTAP/1/X/2010 on Combating Anarchy. The use of tear gas and rubber bullets is outlined in point no. 14, under the section on the actions of the Indonesian National Police unit, letter f. While demonstrations can be conducted by anyone as it is a fundamental human right of every individual, it must comply with the limitations outlined in the Indonesian Constitution, Article 28J.

If a member of the police force is deemed to have committed violence such as beating or kicking demonstrators in a manner contrary to procedures, it is highly unacceptable. Such actions can be classified as assault, as regulated in Article 351 of the Criminal Code, which states:

1. Assault is punishable by imprisonment for a maximum of two years and eight months or a maximum fine of four thousand five hundred Indonesian Rupiah.
2. If the act results in serious injury, the perpetrator shall be punished with imprisonment for up to five years.
3. If it results in death, the perpetrator shall be punished with imprisonment for up to seven years.
4. Assault is equated with intentionally damaging health.
5. Attempted commission of this crime is not punished.

Members of the Indonesian National Police (POLRI) who commit violence against demonstrators are essentially subject to public judicial accountability. This is stipulated in Law Number 2 of 2002 concerning the Police, Article 29 paragraph (1), which states that Members of the Indonesian National Police are subject to the authority of the General Judiciary. In the enforcement of the law against police officers who commit disciplinary violations, the Indonesian National Police through PROPAM (Professionalism and Security) holds responsibility and duties. PROPAM, within the organizational structure of the Police Resort (POLRES), serves as a supervisory and assisting element under the command of the Police Chief.

Demonstrators who are victims of assault can report and seek accountability according to the violation committed by the police officer. The legal process for a police officer suspected of committing a crime will be conducted in accordance with the Criminal Procedure Code, starting from the process of reporting allegations of assault committed by the perpetrator who is a police officer, until the stage of transferring the case to the public prosecutor's office for prosecution in court. However, some legal implementations within the police force often make law enforcement within the police force unclear. Some types of judicial processes and punishments such as disciplinary actions, codes of ethics, and general litigation can be loopholes in imposing sanctions on police officers suspected of committing crimes. There are three important elements that influence legal approaches, including:

1. Law enforcement institutions along with various supporting facilities and infrastructure and their institutional mechanisms.
2. Work culture related to its personnel, including their welfare.
3. Regulations that support both institutional performance and regulate legal materials used as standards, both substantive and procedural law.

For police officers who commit assault, they can be reported to the Police Service Center (SPK) at the nearest police station so that they can be processed according to the applicable procedural law in the general judicial system. Referring to Article 1 number 24 of Law Number 8 of 1981 concerning Criminal Procedure Law, a report is a notification submitted by an individual based on rights or obligations under the law to the authorized officer about the occurrence, ongoing, or alleged occurrence of a criminal event.

Criminal accountability by the police has been regulated in Article 29 Paragraph (1) of the Police Law, which states:

"Members of the Indonesian National Police are subject to the authority of the general judiciary in law enforcement against police officers who commit disciplinary violations; the police through PROPAM (Profession and Security) have responsibilities and duties in this regard."

PROPAM is a supervisory and assisting element under the Police Chief. It conducts disciplinary training and maintenance, internal security, community complaint services alleged to have been committed by police officers and/or civil servants, conducts disciplinary and/or professional ethics hearings, and personnel rehabilitation. Furthermore, PROPAM in carrying out its duties is assisted by:

1. Provost Unit, tasked with handling public complaints about deviations in police behavior and actions, enforcing discipline and order among Police Resort members, conducting disciplinary and/or

- professional ethics hearings, and overseeing and evaluating Police Resort personnel who are currently undergoing and have completed disciplinary and/or professional ethics sanctions; and
2. Internal Security Unit, responsible for internal security in enforcing discipline and honoring the profession, preparing processes and decisions for personnel rehabilitation who have completed sanctions and those who have not been proven to have violated discipline and/or professional ethics.

The enforcement of discipline and judicial processes for police officers is crucial to the implementation of the assigned tasks and the achievement of professionalism within the Indonesian National Police. Law enforcement cannot proceed effectively if its enforcers (the Police) themselves are undisciplined and unprofessional. The indiscipline and lack of professionalism within the Indonesian National Police will greatly impact law enforcement or the handling of reports and complaints in society, leading to law enforcement appearing opaque to the police themselves.

Disgraceful quality of service presentations from moral and legal standpoints, including discrimination, request for services or law enforcement based on personal interests, excessive discretion, hindrance, arrogance, tardiness, inhumane rudeness, and negative behavior, will be subject to disciplinary punishment. Disciplinary punishment can take the form of:

- Written warnings.
- Postponement of attending education for up to 1 (one) year.
- Postponement of periodic salary increases.
- Postponement of promotion for up to 1 (one) year.
- Demotion.
- Dismissal from office.
- Placement in a special place for up to 21 (twenty-one) days.

Punishment for police officers who violate the Code of Ethics is divided into four scopes, namely state ethics, institutional ethics, community ethics, or personal ethics as stated in Article 21 of the Chief of the Indonesian National Police Regulation Number 14 of 2011 Concerning the Code of Ethics for the Profession of the Indonesian National Police, which states that:

"A police officer declared as a violator is subject to disciplinary violation commission sanctions in the form of

- The violator's behavior is deemed reprehensible.
- The violator's obligation to apologize verbally in front of the ethics commission hearing and/or in writing to the police leadership and the aggrieved party.
- The violator's obligation to undergo mental, personality, spiritual, and professional knowledge guidance, for a minimum of 1 (one) week and a maximum of 1 (one) month.
- Transfer to a different position that constitutes demotion for a minimum of 1 (one) year.
- Transfer to a different function that constitutes demotion for a minimum of 1 (one) year.
- Transfer to a different area that constitutes demotion for a minimum of 1 (one) year; and/or
- Dishonorable dismissal as a member of the Indonesian National Police."

Of the four ethics explained in the Chief of the Indonesian National Police Regulation Number 14 of 2011 Concerning the Code of Ethics for the Profession of the Indonesian National Police, related to violence by police officers during demonstrations, it falls under community and institutional ethics where the Indonesian National Police is obligated to carry out tasks professionally, proportionally, procedurally, and respect and uphold human rights in carrying out their duties.

Article 12 Paragraph (1) of Government Regulation Number 2 of 2003 concerning Discipline Regulations for Members of the Indonesian National Police states that: "disciplinary punishment does not eliminate criminal liability". This means that the imposition of punishment by an individual subjectively to the defendant who commits a violation in the disciplinary hearing will be processed in the general judiciary for the criminal act committed by a police officer who has not resolved his case.

Every violation of the Code of Professional Ethics is subject to moral sanctions conveyed in the form of a written decision of the Police Code of Ethics Hearing to the defendant (Article 11 Paragraph (3) and Article 12 Paragraph (1) of the Police Professional Ethics Code). The form of moral sanctions imposed may include a decision stating that there is no evidence or a decision stating that the defendant is proven to have violated the Police Professional Ethics Code. The moral sanctions as regulated in Article 11 Paragraph (2) letters a, b, and c are absolute and binding moral sanctions. This means that these moral sanctions are

formulated to the extent of the lightest sanction to the heaviest sanction according to the defendant's proven behavioral violation in the Commission Hearing. If the level of violation of the Police Professional Ethics Code qualifies as a serious violation and is repeated, then the defendant may be sanctioned by being declared unfit to carry out the police profession/function. Article 12 Paragraph (4) of the Police Professional Ethics Code, this sanction is an administrative sanction in the form of a recommendation to a) transfer to a different position; b) transfer to a different area; c) honorable dismissal; or d) dishonorable dismissal.

Administrative sanctions (a) and (b) are mutations to members who are proven to have violated the Police Professional Ethics Code, either a change in position, which is a transfer to a different position (can be a demotion), or a change in area/location, which is a transfer to a different place/area (can be to a remote area). Meanwhile, administrative sanctions (c) and (d) are measures of dismissal for Indonesian National Police members who are proven to have violated the Police Professional Ethics Code, either in the form of an honorable dismissal or a dishonorable dismissal.

In summary, in a case of violence involving a police officer during a demonstration, the resolution of the problem is through the imposition of Ethical Code sanctions and if proven to commit a criminal offense.

III. RESULTS AND DISCUSSION

3.1 Results Summary

The protection provided by the government, both preventively and repressively, as well as the existence of PROPAM, are considered to assist in protecting the rights of the people. Individuals who feel they have been victims of violence by rogue police officers can report and demand accountability according to the violations committed by the members of the Indonesian National Police (POLRI). The legal process against a POLRI member suspected of committing a criminal act will be processed according to the provisions of the Criminal Procedure Code (KUHAP), starting from the process of reporting allegations of assault committed by the perpetrator, who is a member of the POLRI, up to the stage of referral of the case to the public prosecutor's office for trial in court.

Security during protests by the police often does not comply with procedures, with frequent incidents of violence resulting in injuries, and even fatalities. While violence can be justified to prevent and stop illegal actions by protesters, it must still adhere to legal regulations and proper procedures. If the violence committed is excessive and contrary to the law, it may be considered a criminal offense. Police officers who act excessively and in violation of the law may face sanctions through criminal proceedings. Not only through public trials, but police officers will also be subject to disciplinary and professional code of ethics sanctions due to their profession.

3.2 Acknowledge

Considering that the public expression of opinions is the right of all citizens as explicitly stated in the law, the police should cease arrogant and violent methods against demonstrators.

The government is also expected to be transparent in handling cases involving rogue elements within the authorities so that what is enshrined in the fourth paragraph of the Preamble to the Constitution of the Republic of Indonesia of 1945, namely; to protect all the people of Indonesia and the entire homeland of Indonesia, to promote the general welfare, to educate the life of the nation, and to participate in the establishment of a just and civilized world order based on independence, eternal peace, and social justice, not just a mere aspiration.

The only way is for the government to improve the existing system. Rules and laws must be enforced correctly and fairly. There should no longer be favoritism, and legal transparency is expected. When the government as a formal institution loses the trust of its people, it is not wrong for the people to act themselves in policymaking.

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