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**Disciplinary Actions Under the Police Code of Ethics for Officers
Involved in Adultery**
A Case Study of the Police Code of Ethics Commission Decision No.
PUT/11/XI/HUK.12.10/2023

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ABSTRACT

This research paper addresses the significant issue of disciplinary actions under the Police Code of Ethics concerning officers involved in adultery. The problem is particularly pressing for the Indonesian National Police, as such ethical violations not only undermine the integrity of the institution but also erode public trust and confidence in law enforcement. The study aims to explore the implications of enforcing disciplinary measures for adultery among police members and to identify preventive strategies to mitigate such violations. The research employs a normative juridical methodology, focusing on the implementation of existing legal norms and regulations related to police discipline. This approach involves a thorough examination of formal legal rules, including relevant laws and literature that provide theoretical insights into the subject matter. By correlating these legal frameworks with the issues at hand, the study seeks to provide a comprehensive understanding of how ethical violations are addressed within the Indonesian National Police. The findings reveal that despite the existence of regulations, violations of discipline and ethics, such as adultery, continue to occur frequently among police officers. Factors contributing to this issue include low legal awareness among officers and the influence of their social environment, which weakens the enforcement of discipline. The research suggests several solutions, including enhancing the quality of Police Internal Affairs Investigators, increasing awareness and compliance among police members, and fostering public understanding of disciplinary law enforcement as a means of promoting transparency and accountability.

Keywords: Adultery Case, Code of Ethics, Indonesian National Police Member, Sanction

INTRODUCTION

Upon the enactment of Law No. 2/2002 concerning the Indonesian National Police, there is a necessity for implementing regulations to support the implementation of these provisions as well as to enforce the discipline of members of the Indonesian National Police. As a form of implementation, Government Regulation No. 2/2003 on Disciplinary Regulations for Members of the Indonesian National Police was issued, which aims to create compliance of Indonesian National Police members with ethical norms, strengthen professionalism, and maintain the honor of the institution. Article 1 point 3 of Government Regulation No. 2/2003 states that: “Disciplinary Regulations for Members of the Indonesian National Police are a set of norms to foster, enforce discipline, and maintain an orderly life for members of the Indonesian National Police.”¹

Nevertheless, in practice, violations of discipline and ethics by members of the Indonesian National Police still occur frequently, which has become a matter of public concern. This is reflected in various mass media reports that reveal disciplinary actions, such as misuse of firearms, involvement in criminal acts, arbitrary actions, and other cases that have tarnished the reputation of the Indonesian National Police institution. This condition is a concern, considering that the role of the police is important in maintaining security, enforcing the law, and providing services that protect and nurture the community by upholding human rights.

One form of disciplinary violation that is often highlighted is the case of adultery, which refers to a relationship with someone without a legal marriage bond. This act violates Article 13 letter (f) of the Regulation of the Indonesian National Police No. 7/2022 on the Professional Code of Ethics and the Police Code of Ethics Commission, which states that: “Every Indonesian National Police Officer in the Personality Ethics is prohibited from committing adultery and/or infidelity.”²

This violation occurred to Chief Police Brigadier FHP, a member of Sidoarjo Police Station, who was suspected of committing adultery with PN, the legal wife of First Sergeant RS, a member of the Indonesian Army in the Main Regiment of the Diponegoro IV Military Command. For these violations, code of ethics penalties were imposed in the form of:

1. Ethical Sanctions: The violator's behavior is declared as reprehensible;
2. Administrative Sanctions: Dishonorable Dismissal (PTDH) as a member of the National Police.

¹ Pemerintah Pusat Indonesia, “Peraturan Pemerintah (PP) Nomor 2 Tahun 2003 Tentang Peraturan Disiplin Anggota Kepolisian Negara Republik Indonesia” (2003), <https://peraturan.bpk.go.id/Details/52102/pp-no-2-tahun-2003>.

² Kepolisian Negara RI Indonesia, “Peraturan Kepolisian Negara Republik Indonesia Nomor 7 Tahun 2022 Tentang Kode Etik Profesi Dan Komisi Kode Etik Kepolisian Negara Republik Indonesia” (2022), <https://peraturan.bpk.go.id/Details/301760/perpol-no-7-tahun-2022>.

This case is not only a concern for the Indonesian National Police institution but also for the wider community, given its impact on the public image and trust in the Indonesian National Police. Therefore, it is imperative to comprehend how these ethical violations are addressed through the applicable legal and internal disciplinary procedures. This research is expected to contribute to strengthening the enforcement of the code of ethics and discipline within the Indonesian National Police, as well as increasing public trust in the institution. This research, therefore, aims to identify the implications of enforcement of punishment for adultery by members of the Indonesian National Police as well as efforts to prevent adultery by members of the Indonesian National Police as a Form of violation of the police code of ethics.

RESEARCH METHODOLOGY

The type of research applied in the writing of this article is normative juridical. Normative juridical research indicates that the issues raised, discussed and described in this research are focused on the implementation of rules or norms contained in positive law.³ This approach is carried out by examining various formal legal rules, such as laws, along with literature containing theoretical concepts.⁴ The examination is then correlated with the problems that become the subject of discussion in this research.

RESULT AND DISCUSSION

Implications of Enforcement of Punishment for Adultery by Members of the Indonesian National Police

Cases of infidelity or adultery may tarnish the image and dignity of the Indonesian National Police as a law enforcement institution, as reflected in the case involving Chief Police Brigadier FHP, who served as Head of Police at Sidoarjo Police Station. This case has been decided in the Code of Ethics Session through the Commission Decision No. PUT/11/XI/HUK.12.10/2023, as well as in the Police Code of Ethics Commission Appeal Decision No. Put.Banding/2/I/2024/Kom.Banding. The infidelity and adultery committed by the perpetrator took place repeatedly, with the legal facts showing that the perpetrator had an illegitimate marriage with another woman.

The accused violator, Chief Police Brigadier FHP, first met a person named PN, who was a junior high school friend in 2000. FHP then re-encountered PN in 2022. PN was an Millionaire Club Indonesia (MCI) product agent, who offered a

³ Pratiwi Setiawan and Wahyu Tris Haryadi, "The Child Custody Status from Unregistered Marriage: An Islamic Law on The Basis of Constitutional Court Decision," *YURIS (Journal of Court and Justice)* 1, no. 3 (2022): 1–9.

⁴ Achmad Subagyo and Dr. Moh. Saleh, "The Liability of Tax Officials for the Expiration of Tax Debt Billing," *IUS POSITUM: Journal of Law Theory and Enforcement* *Journal Of Law Theory And Law Enforcement* 2, no. 1 (March 8, 2023): 105–21, <https://doi.org/10.56943/jlte.v2i1.276>.

health necklace to FHP and his wife, and FHP eventually purchased the product. Subsequently, PN often contacted FHP to ask for help with her business, which was being harassed by local gangsters, and to ask for help with the title transfer of her vehicle. Over time, the relationship between the two developed into a more personal and serious relationship, which eventually led to a husband-wife relationship. Based on PN's statement in the Minutes of Examination (BAP), FHP and PN were married in Bangil on September 10, 2020, and FHP even began to live under the same roof with PN.

In the code of ethics hearing, it was decided that FHP was proven to have committed adultery and/or an extramarital affair with PN, which constitutes a violation of the code of ethics. This is as stated in the Decision of the Police Code of Ethics Session No. KKEP/11/XI/HUK.12.10/2023 dated November 1, 2023. The violation of the code of ethics related to this adultery case was committed by FHP who served at Sidoarjo Police Station, who had an adultery affair with PN, who at that time was the legitimate wife of First Sergeant RS, a member of the Indonesian Army in the Main Regiment of the Diponegoro IV Military Command. Against FHP, a code of ethics sanction was imposed in the form of a statement that the violator's behavior was reprehensible, as well as an administrative sanction in the form of Dishonorable Dismissal (PTDH) as a member of the Indonesian National Police.

Based on the Decision of the Appeal Hearing No. 2/I/2024/KOM BNDING dated January 10, 2024, it was decided to: (a) Reject the Appeal and uphold Decision KKEP/11/XI/HUK.12.10/2023 dated November 1, 2023. In the decision, sanctions were imposed in the form of: (i) Ethical Sanctions stating that the violator's behavior is reprehensible, and (ii) Administrative Sanctions in the form of Dishonorable Dismissal (PTDH) as a member of the Indonesian National Police.

Referring to the example of an adultery case involving a member of the Indonesian National Police, as reviewed, it can be concluded that in the Code of Ethics Hearing with the Decision of the Indonesian National Police Code of Ethics Commission No. PUT/11/XI/HUK.12.10/2023, the violator has been given an ethical sanction in the form of an assessment that the violator's behavior is reprehensible, as well as an administrative sanction in the form of Dismissal without Honor (PTDH) as a member of the Indonesian National Police. The decision was later corroborated by the Police Code of Ethics Commission Appeal Decision No. Put.Appeal/2/I/2024/Kom.Appeal, issued on January 10, 2024, which rejected the appellant's appeal and upheld the first level decision, which imposed sanctions on FHP as the violator.

As explained, Government Regulation No. 2/2003 serves as further technical and implementation instructions stipulated in Article 27 of Law No. 2/2002 concerning the Indonesian National Police, which regulates the following matters:

1. To foster unity and integrity, as well as improve the morale and work spirit of members of the Indonesian National Police, disciplinary regulations for members of the National Police shall be established;
2. Further provisions regarding the disciplinary regulations, as referred to in Paragraph 1, shall be regulated through government regulations.

Therefore, Government Regulation No. 2/2003 on Disciplinary Regulations for Members of the Indonesian National Police can be considered as a special regulation (*lex specialis*) that applies over general regulations. Therefore, the implementation of this regulation must be carried out simultaneously with Law No. 2/2002, which serves as the principal guideline in the implementation of the duties of the Indonesian National Police. Based on the results of the interviews, no obstacles or barriers were found in the implementation of Government Regulation No. 2/2003, which has been running effectively.

Based on this concise overview, which illustrates that the procedures and methods for enforcing discipline of the Indonesian National Police members have been guided by and refer to Government Regulation No. 2/2003, it can be concluded that the regulation has been implemented properly, effectively, and uninterruptedly. By enacting Government Regulation No. 2/2003, all aspects related to the implementation of discipline, violation of discipline, enforcement, disciplinary punishment, and settlement of discipline, are resolved by referring to the regulation.

Efforts to enforce police discipline and code of ethics are necessary to ensure the implementation of assigned duties and the achievement of police professionalism.⁵ Law enforcement will not proceed properly if the law enforcers, which means the police, are undisciplined and unprofessional. Police indiscipline and unprofessionalism will negatively impact law enforcement or crime disclosure in the community. Based on temporary observations of the enforcement of discipline, code of ethics, and law enforcement against Indonesian National Police members involved in criminal offenses, there is confusion or overlap in the use of legal basis. This is particularly related to the implementation of Government Regulation No. 2/2003 on Disciplinary Regulations for Members of the Indonesian National Police and National Police Chief Regulation No. 7/2006 on the Code of Professional Ethics of the Indonesian National Police, which was later amended by Chief of the Indonesian National Police Regulation No. 14/2011 on the Code of Professional Ethics of the Indonesian National Police.

For example, if a police officer commits a crime of abuse, it is clear that he has committed a criminal act. However, in practice, the police officer is only subject to disciplinary action, and there are many other similar examples. The lack of discipline and professionalism among members of the Indonesian National Police has become a topic of discussion in the community. News articles appearing in

⁵ Henny Saida Flora et al., "The Rule Of Law Corrupted By Law Enforcers: A Study Of Police Misconduct," *UNES Law Review* 6, no. 4 (2024): 9814–24, <https://doi.org/10.31933/unesrev.v6i2>.

various mass media regarding disciplinary actions by police officers, such as misuse of firearms, involvement in criminal acts, arbitrary actions, and various other cases, illustrate the lack of discipline within the police. This has raised concerns among the public regarding the implementation of the main duties of the Indonesian National Police, which should be to maintain public security and order, enforce the law, provide protection, protection, and services to the community, and create public order by upholding human rights.

Given these circumstances, an appropriate strategy should be implemented in order for disciplinary law enforcement to run conducive and efficiently, without significant obstacles. This will be able to become a means of control, prevention of deviant behavior, and fostering disciplinary behavior among Indonesian National Police members, in order to realize Good Governance and Clean Government within the Indonesian National Police.⁶ It also aims to strengthen the image of the Indonesian National Police. Furthermore, law enforcement leaders, when applying sanctions to police officers, occasionally make decisions that do not align with the established procedures.⁷

The legal process for Indonesian National Police members who commit disciplinary violations is carried out at the respective Regional Police level. Violations that occur at the Regional Police level are resolved at the Regional Police unit where the police officer performs assigned duties. Meanwhile, if the offense is committed by a member of the police at the Sector Police level, then the disciplinary hearing process is carried out at the Sector Police level that oversees the Sector Police. The process of resolving disciplinary violations committed by police officers aims to realize legal certainty in the context of maintaining and enforcing disciplinary laws within the police. A major shortcoming in the enforcement of discipline at the Central Java Regional Police is the lack of legal awareness among police officers. Legal awareness in society has an important meaning in supporting law enforcement. Awareness comes from the word aware, which means conscious, to feel, to know, or to understand. Awareness means consciousness, a state of understanding, or things that are felt or experienced by someone.

Law enforcement efforts carried out by the government cannot be separated from the role of the national police. The main duties of the Indonesian National Police, as stipulated in Law No. 2/2002 on the Police, are to maintain public security and order, enforce the law, and provide protection, shelter, and services to the community.⁸ The reformation of the order of life and nationality in Indonesia has

⁶ Baharuddin Badaru and Baharuddin, "The Nature of The Provos Function in Enforcing the Disciplinary Law the Indonesian National Police," *Journal of Law and Sustainable Development* 11, no. 12 (December 27, 2023): e2235, <https://doi.org/10.55908/sdgs.v11i12.2235>.

⁷ Daniel M. Blumberg, Konstantinos Papazoglou, and Michael D. Schlosser, "Organizational Solutions to the Moral Risks of Policing," *International Journal of Environmental Research and Public Health* 17, no. 20 (October 14, 2020): 7461, <https://doi.org/10.3390/ijerph17207461>.

⁸ Pemerintah Pusat Indonesia, "Undang-Undang (UU) Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia" (2002), <https://peraturan.bpk.go.id/Details/44418/uu-no-2-tahun-2002>.

resulted in significant institutional changes, especially to the Indonesian National Police, which was previously part of the Indonesian National Defense Forces (ABRI), and is now separated with the enactment of Law No. 2/2002 on the Indonesian National Police.

However, the lack of discipline and professionalism among police officers has become a topic of public discussion. Frequently reported cases of disciplinary actions committed by members of the police in various mass media, such as cases of adultery and various other violations, further illustrate the lack of discipline within the Indonesian National Police institution. This situation has raised concerns among the public, especially in relation to the implementation of the Indonesian National Police's main duties to maintain security and public order, enforce the law, and provide protection, service, and shelter to the community, as well as maintaining public order by upholding human rights.

Efforts to Prevent Adultery by Members of the Indonesian National Police as a Form of Violation of the Police Code of Ethics

Environment or association is also a contributing factor that may undermine discipline enforcement. The influence of a family environment that urges one to become rich or to become an intermediary in building a career, as well as the influence of the association of fellow police officers, such as the growing values of consumerism, may influence the behavior of police officers in carrying out their duties.⁹ Socialization is a continuation of the process of social interaction between individuals in their social environment. The strength or weakness of this social interaction affects the closeness of the social relationships that are formed. The seeds of unhealthy associations may result in harmful patterns of behavior, both for one's own development and its impact on others. In line with this, the following is a specific description of the weaknesses and solutions to police disciplinary law enforcement:

1. Lack of behavior and attitude of the Indonesian National Police Officers
2. Ineffective implementation of good governance and clean government within the police force:
 - a. The Indonesian National Police, as a subsystem of the government, carries out its main responsibilities and functions to support the achievement of government programs, including good governance and clean government.
 - b. Considering the impact of the current condition of disciplinary law enforcement on the Indonesian National Police, which is reflected in negative behavior, mental attitude, and morale, is an impossible condition and contradicts the goal of achieving good

⁹ Bruno Meini, "Corruption: A Long-Lasting Historical Disease Infecting the Integrity of the Police," *Journal of Anti-Corruption Law* 6, no. 2 (March 13, 2023), <https://doi.org/10.14426/jacl.v6i2.1342>.

governance and clean government within the Indonesian National Police.

- c. Therefore, in order to achieve good governance and clean government within the police, disciplined individuals are required to oversee the police organization.¹⁰ In order to produce individuals who truly obey and comply with the disciplinary regulations of the Indonesian National Police, disciplinary law enforcement must be carried out consistently and consequently, which will ultimately strengthen the image of the Indonesian National Police, in accordance with the new paradigm of the Indonesian National Police as a police force that is civilized and approachable to the public.

Along with the various problems faced by Indonesia that have yet to be resolved, as well as the demands of the community towards the government, one of the prerequisites for the realization of Good Governance and Clean Government within the Indonesian National Police are as follows:

1. Enforcement of discipline of Indonesian National Police members as a form of transparency and accountability of the Indonesian National Police to the public.
2. Increased public trust in the police through enforcement of member discipline and efforts to realize police transparency and accountability.
3. Provide the greatest protection, care, and service to the community, and be responsive to reports or complaints, as an effort to realize the commitment of all members of the Indonesian National Police in providing services to the community.
4. Carry out duties with full awareness, sense of responsibility, professionalism, transparency, accountability, without discrimination, and in partnership with the community in the maintenance of security and order, as part of efforts to realize the vision of a forward-looking police force and eliminate discriminatory practices in the implementation of police duties.
5. Comply with applicable laws and regulations, both those related to official duties and those that apply in general, and eliminate illegal levies and deposit culture, as an effort to realize a clean, efficient, effective, transparent, professional, and accountable institutional and organizational management system of the Indonesian National Police.
6. Reduce or eliminate unauthorized levies as well as the culture of deposits or financial burdens from superiors to subordinates, as a

¹⁰ Didin Hadi Saputra et al., "Implementation of Good Governance and Clean Governance Towards an Effective and Dignity Bureaucracy," *PINISI Discretion Review* 4, no. 2 (June 19, 2021): 327, <https://doi.org/10.26858/pdr.v4i2.21491>.

measure to eradicate the practice of Corruption, Collusion and Nepotism (KKN) within the Indonesian National Police.

7. Guide, model, and encourage subordinates to improve work performance, as part of the effort to realize the vision of a forward-looking police force and the creation of an institutional system and management of a clean, efficient, effective, transparent, professional, and accountable police force organization.

From the description of the contribution of the discipline of Indonesian National Police members in realizing good governance and clean government within the police force, it can be compared to a snowball with multiple positive effects. This will automatically increase public trust in the police, which in turn will strengthen the image of the Indonesian National Police. In addition, to realize the rule of law, including in terms of law enforcement of Indonesian National Police discipline based on good governance and clean government, law enforcement, both conceptually and as a process, must be realized through:

1. Improving the quality of Police Internal Affairs Investigators;
2. Increasing the awareness and compliance of police officers with discipline;
3. Procuring and managing facilities to support disciplinary law enforcement tasks;
4. Building public comprehension of the implementation of disciplinary law enforcement as a form of transparency and accountability of Indonesian National Police performance to the public.¹¹

Every organization has internal rules to improve its performance, professionalism, organizational culture, honor, and credibility, as well as to ensure the maintenance of order and the implementation of tasks in accordance with the objectives, roles, functions, authorities, and responsibilities of the institution. A reliable organization is not just a group of people who gather and act as they please, but rather an organization that has rules of conduct, both in working, acting, and interacting between members of the Indonesian National Police, as well as with the surrounding community. However, these ties should not limit the innovation and creativity of members of the Indonesian National Police, allowing the organization to remain dynamic and grow.

A reliable and solid organization is one that has proper and effective internal rules of conduct. These rules may take the form of disciplinary regulations, codes of ethics, or codes of office. While these regulations focus on discipline, it is recognized that it is difficult to strictly separate between the various rules, as there are often different colors and overlaps between regulations. However, efforts to

¹¹ Badaru and Baharuddin, "The Nature of The Provos Function in Enforcing the Disciplinary Law the Indonesian National Police."

minimize the overlap are essential in order for these rules to run effectively and efficiently.

Discipline is an honor, as this honor is closely related to credibility and commitment. Discipline of members of the Indonesian National Police is an honor, because disciplinary regulations are established to improve and maintain the credibility and commitment of members of the Indonesian National Police as state officials appointed to protect, nurture, and serve the community, enforce the law, and maintain security.¹² Commitment is not equal to loyalty, because loyalty tends to lead to absolute loyalty which can lead to abuse of power by the leadership. Therefore, the implementation of discipline must be based on consent or awareness, rather than fear, and must be based on commitment, not merely loyalty.

CONCLUSION

The implementation of disciplinary sanctions and code of ethics against Indonesian National Police members involved in adultery cases has been specifically regulated in Government Regulation No. 2/2003 concerning Disciplinary Regulations for Members of the Indonesian National Police in conjunction with Indonesian National Police Regulation No. 7/2022 concerning the Professional Code of Ethics and the Police Code of Ethics Commission. According to the review in the Decision of the Police Code of Ethics Commission No. PUT/11/XI/HUK.12.10/2023 and the Appeal Decision of the Police Code of Ethics Commission No. Put.Banding/2/I/2024/Kom.Banding, perpetrators are subject to two types of sanctions: ethical sanctions, in which the perpetrators' behavior is declared as reprehensible, and administrative sanctions in the form of Dishonorable Dismissal (PTDH) from the Indonesian National Police membership. This regulation has been effective without significant obstacles, despite personal violations of discipline and code of ethics still occurring, indicating the urgent need for further improvement and development.

In order to realize good governance and clean government, several shortcomings in the enforcement of police discipline must be addressed. The low legal awareness of police officers and the influence of the environment or socialization are factors that have weakened discipline enforcement. The proposed solutions include improving the quality of Police Internal Affairs Investigators, increasing the awareness and compliance of Indonesian National Police members with discipline, procuring and managing supporting facilities for disciplinary law enforcement, and building public understanding of the implementation of disciplinary law enforcement as a form of transparency and accountability of police

¹² I Made Pande Agung Anjasmara Diana Putra, Riska Sri Handayani, and Dini Rahma Bintari, "Disciplinary Development of Police Members (Case Study on Members of the Bekasi Regency Metro Police Range Who Indicated Using Narcotics)," *International Journal of Multicultural and Multireligious Understanding* 11, no. 5 (May 23, 2024): 518, <https://doi.org/10.18415/ijmmu.v11i5.5824>.

performance. These efforts are expected to create consistent, conceptual, and integrity-based disciplinary law enforcement.

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