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AUTHOR(S)	Dani Hayqal
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IMPLEMENTATION OF POLICE REGULATION NUMBER 7 OF 2022 CONCERNING THE PROFESSIONAL CODE OF ETHICS AND THE POLICE CODE OF ETHICS COMMISSION AGAINST VIOLATIONS BY POLICE MEMBERS

Dani Hayqal

School of Strategic and Global Studies Faculty, Universitas Indonesia

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ABSTRACT

A professional code of ethics is a standard created and accepted by a group of professions to advise or instruct members of the profession on how to control the profession and preserve its excellence. Professional ethics is applicable to all extant professions, including the legal profession. The National Police of the Republic of Indonesia (POLRI) is one of the law enforcement professions that has a code of professional ethics. This research intends to identify and analyse the code of ethics and punishment of Polri members who conduct illegal activities in accordance with National Police Regulation Number 7 of 2022 regarding the Professional Code of Ethics and the Police Code of Ethics Commission. This investigation is descriptive and analytical. This study's methodology employs normative legislation and an empirical strategy and the data are then analysed qualitatively. The findings revealed that the implementation of National Police Regulation (Perpol) 7 of 2022 regarding Code of Professional Ethics of the Indonesian National Police (KEPP) and Indonesian National Police Code of Conduct Commission (KKEP) is a new Police Regulation that replaces the Regulation of the National Police Chief of the Republic of Indonesia Number 14 of 2011 regarding the Police Professional Code of Ethics and the Regulation of the Head of the State Police of the Republic of Indonesia Number 19 of 2012 regarding the Organization and Work Procedures of the Code Commission Ethics of the Indonesian National Police.

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Introduction.

Beginning with the objective of building the Unitary State of the Republic of Indonesia, specifically to defend all of Indonesia's population, the state offers protection via external and internal defense and security mechanisms. Article 30(4) of the 1945 Constitution of the Republic of Indonesia requires the State Police to defend, protect, serve the community, and execute the law.

The National Police of the Republic of Indonesia provides internal security by performing police duties such as preserving security and public order, enforcing the law, providing protection, shelter, and service. In the protection of human rights, the community serves as an instrument of the state with community assistance. The National Police (Polri), as the institution responsible for internal security, must teach its personnel to anticipate fast change. Through Law Number 2 of 2002 pertaining to the Indonesian National Police, in the framework of creating the Indonesian National Police to be autonomous, professional, and community-oriented.

Further, this is also stated in Article 1 point 1 of the Regulation of the Head of the Indonesian National Police Number 2 of 2018 concerning the Establishment of a Police Regulation, which states that: “The State Police of the Republic of Indonesia (hereinafter referred to as Polri) is a state tool that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community in the context of maintaining domestic security” (Dapit, 2022).

The Indonesian National Police (POLRI) is one of the pillars of law enforcement and national and state security (Silamukti et al., 2022). While some individuals criticize, insult, and even accuse the police of being unprofessional, the police must be able to respond to the increasing demand for public services as a result of the growth. The Republic of Indonesia encourages police officers to be professional and forward-thinking. One of the main problems is the lack of respect and application of the Police Code of Ethics (Kunarto, 1997 in Basyarudin & Kurniawan (2021)).

Professional code of ethics is a norm that is produced and agreed upon by a group of professions to lead or advise members of the profession about the profession to be practiced and to ensure public perceptions of the excellence of the profession (Nasution, 2017). The Indonesian National Police (POLRI) is a law enforcement profession with a professional code of ethics. In this case, the code of ethics for the police profession is regulated in the Regulation of the Head of the National Police of the Republic of Indonesia Number 14 of 2011 concerning the Professional Code of Ethics for the State Police of the Republic of Indonesia which regulates the police professional ethics in four areas (Hardyati et al., 2022) namely State Ethics; Institutional Ethics; Social Ethics; and Personality Ethics.

The presence of the POLRI code of ethics in terms of institutional ethics and social ethics is intended to assist the performance of the POLRI and maintain the professionalism of the POLRI in maintaining security and public order (Qamar & Rezah, 2017).

An example of a recent violation of the Police's professional code of ethics is the case of alleged abuse by two members of the Sleman Police Station at Holywings Yogyakarta last June (CNN Indonesia, 2022). In addition, the case of violation of the code of ethics in the form of obstruction of justice that occurred in the case of Brigadier J's murder which is currently viral and still invites the curiosity of the Indonesian people (Wikanto, 2022). Based on these facts, it can be said that violations of the Police's professional code of ethics are still rampant, so that very strict sanctions and actions are needed to prevent and overcome these concerns and problems.

Consequently, Police Regulation Number 7 of 2022 pertaining to Professional Code of Ethics of the Republic of Indonesia National Police (hereinafter referred to as KEPP) and Police Code of Ethics Commission (hereinafter referred to as KKEP) is a new Police Regulation that supersedes the Regulation of the Head of the Indonesian National Police Number 14 of 2011 pertaining to the Police Professional Code. Ethics of the State Police of the Republic of Indonesia and Regulation No. 19 of 2012 of the Chief of the State Police of the Republic of Indonesia on the Organization and Work Procedure of the Commission on the Code of Ethics of the Indonesian National Police. This is due to the quick development of technology as well as societal shifts in ethical values, culture, and behaviour, all of which have an impact on how Polri officers behave when doing their tasks and exercising their authority.

The provisions of Article 34 paragraph 3 and Article 35 paragraph 2 of Law Number 2 of 2002 regarding the Indonesian National Police are executed by Police Regulation 7 of 2022 pertaining to KEPP and KKEP. Government Police are apparatus of the state responsible for preserving public order and security, law enforcement and protection, community protection, and delivering services within the framework of domestic security.

Based on the above discussion, this study aims to identify and investigate the code of ethics and punishment of Polri members who conduct illegal activities based on Police Regulation Number 7 of 2022 about the Professional Code of Ethics and the Police Code of Ethics Commission.

Method. This article uses a normative law and empirical approach to the topic. The normative legal approach is a method of approaching research problems through library research which includes reading, citing, and analysing legal ideas and legislation. This research is descriptive analytical. Secondary data is what is being used. Secondary data obtained through examination of documents and books. The collected data was then examined qualitatively.

Result and Discussion.

Code of Ethics and its Functions.

The primary responsibility of a police officer is to ensure the public's safety (Manalu, 2014). Indonesian National Police, or Polri absolutely have their own code of ethics that represents their identity or ideals. A police officer's code of conduct is a rule or standard that governs behaviour or speech that is prohibited, permitted, or otherwise inappropriate. Therefore, National Police officers who break the code of ethics are subject to disciplinary action. The code of professional ethics will be analysed and examined before any punishments are handed out.

Because the police are also members of civil society, if the offense committed by the police is deemed a breach of the law, it can be punished in accordance with the law's provisions. In certain professions, this code of ethics can also be referred to as a means of community control. This code of ethics was established to explain what is ethical or unethical in a profession. Its primary goal is to ensure that dishonest persons do not utilize the profession to their benefit or damage. These rules of behaviour are frequently created, and penalties are enforced for violations.

If a police officer, for example, consumes drugs, it is clear that this behaviour violates the code of ethics. The public can report police officers to Profession and Security Division (hereinafter referred to as PROPAM division) for disciplinary action or legal action. The Precise Propam application that has been issued by the Authorities can be used by Propam to report the police officers. In this case, if police officers are found to have violated the code of conduct, they will face disciplinary action. In general, the professional code of ethics has the following objectives.

1) Determine the professional criteria that must be followed to maintain the professionalism that has been shown. The code of ethics is intended to make Polri members more aware of their responsibilities to protect the community.

2) The code of professional ethics also serves as a barrier for outsiders, so as not to interfere with professional ethics. Propam will hold police officers who violate the code of ethics first and foremost responsible for their treatment.

The professional code of ethics is intended to protect the dignity of the profession and increase the dedication of all members of the profession. A code of ethics for the police profession is also being developed for this reason; For more information, below are some of its goals.

- 1) Improving the professionalism and integrity of all members of the National Police.
- 2) Equalize or equalize the attitudes and behaviour of each member.
- 3) Improve or build a better Polri image by adhering to the code of ethics.

Amendment to National Police Regulation (Perpol) 7 of 2022 concerning KEPP and KKEP from Police Chief Regulation No. 14 of 2011 and Police Chief Regulation (Perkap) No. 19 of 2012.

National Police Chief Listyo Sigit Prabowo issued Police Regulation No. 7 of 2022 on June 14, 2022, pertaining to the Professional Code of Ethics and the Police Code of Ethics Commission in Jakarta. On 15 June 2022, Yasonna H. Laoly, Minister of Law and Human Rights, promulgated Police Regulation No. 7 of 2022 on the Code of Professional Ethics and formed the Police Code of Ethics Commission. The State Gazette of the Republic of Indonesia, Number 597 of 2022, provides the Police Code of Ethics Regulation Number 7 of 2022 about Professional Ethics and the Police Code of Ethics Commission.

The Police Code of Ethics Commission and the Police Professional Code of Ethics are governed by Police Regulation 7 of 2022 regarding KEPP and KKEP. This Police Regulation provides a reasonable statement to be issued that every member of the Indonesian National Police in carrying out their duties and authorities must be able to reflect the personality of the state of Bhayangkara as a whole, respect and uphold the professional ethics of the police, as reflected in their attitudes and behaviour in the code of ethics of the police profession as a crystallization of the values contained in Tribrata and Catur Prasetya which are the foundations of the Indonesian nation.

Police Regulation 7 of 2022 regarding KEPP and KKEP is a new Police Regulation that replaces the Regulation of the Head of the State Police of the Republic of Indonesia No. 14 of 2011 regarding the Professional Code of Ethics for the Indonesian National Police and the Regulation of the Head of the State Police of the Republic of Indonesia No. 2011. Regulation of the Head of the State Police of the Republic of Indonesia Number 19 of 2012 Regarding the Organization and Procedure of the Indonesian National Police Code of Ethics. This is due to the rapid development of technology and

changes in ethical values, culture, and behaviour in society, which have an impact on the behaviour of Polri members in fulfilling their duties, responsibilities and authorities.

In Police Regulation 7 of 2022, there are four ethics that must be followed regarding KEPP and KKEP. Police officers are responsible for ensuring that KEPP complies with all responsibilities and prohibitions of State ethics, including Institutional Ethics, Social Ethics, and Personal Ethics (Republic of Indonesia, 2022).

State Ethics is a KEPP standard that provides rules for every member of the National Police regarding attitudes and behavior towards the Unitary State of the Republic of Indonesia, Pancasila, the 1945 Constitution, and diversity. Meanwhile, Institutional Ethics is the rules contained in the KEPP which contain guidelines for the attitudes and behaviour of all members of the National Police in relation to the fulfilment of duties, authorities and responsibilities of legal obligations and the use of professional authority of the National Police are referred to as institutional ethics.

Community Ethics are the norms contained in the KEPP that contain guidelines for the attitudes and behaviour of each Polri Member in relation to the fulfilment of duties, authorities, and responsibilities of legal obligations and the use of Polri's professional authority related to the community.

Personality Ethic is the KEPP standard which contains rules regarding the attitudes and actions of each Polri Member in his role as a person who is bound by his own ethical morality, both inside and outside the implementation of his duties, authorities and obligations. Furthermore, the considerations of Police Regulation Number 7 of 2022 regarding KEPP and KKEP include:

1) that every officer of the State Police of the Republic of Indonesia in carrying out his duties and authorities must be able to fully reflect the personality of the state bhayangkara, respect and uphold the professional ethics of the police, which is reflected in the attitudes and behaviour in the professional code of ethics of the State Police of the Republic of Indonesia as a crystallization of the values contained in Tribrata and Catur Prasetya, which are based on and inseparable from the values contained in the Constitution;

2) A professional code of ethics must be developed and stipulated for the commission in light of the rapid development of technology and changes in ethical values, culture, and behaviour in society, which affect the behaviour of the Indonesian National Police apparatus in carrying out their duties, responsibilities, and authorities. State Police of the Republic of Indonesia Code of Ethics;

3) the implementation of Regulation of the Head of the State Police of the Republic of Indonesia No. 14 of 2011 on the Professional Code of Ethics of the State Police of the Republic of Indonesia and Regulation of the Chief of the National Police of the Republic of Indonesia No. 19 on the Organization and Work Procedure of the Commission on the Code of Ethics of the State Police of the Republic of Indonesia. The National Police of the Republic of Indonesia is no longer in line with the evolution of changes in ethical values, culture, and behaviour that occur in society and impact the conduct of the National Police of the Republic of Indonesia; thus, it must be replaced;

4) based on the factors listed in letters a, b, and c, it is required to amend the Regulation of the State Police of the Republic of Indonesia concerning the Code of Professional Ethics and the Commission on the Code of Ethics of the State Police of the Republic of Indonesia.

Disciplinary Regulations and Settlement of Violations of the Police Professional Code of Ethics According to Police Regulation No. 7 of 2022.

Disciplinary Regulations are regulations or standards that regulate and serve as guidelines for all Polri personnel in carrying out their duties and responsibilities as the State Police. The main objective is to establish disciplinary norms for members of the INP, so that every member of the INP becomes a member of staff who has credibility and commitment as a member of the INP in carrying out their duties, authorities, and obligations, and so that the Police have an orderly character and high moral dedication.

As formulated in Article 1 point 3 of Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Polri Members, that Polri disciplinary regulations are a set of norms for fostering, enforcing discipline and maintaining the life rules of Polri members. Here it is said that the regulations for members of the police discipline are norms that contain how members of the police should act and act, both in carrying out police duties and in life in the community, meaning the provisions or guidelines for the behaviour of every member of the police (Ahmad, 2014).

The scope of the enforcement of disciplinary regulations for Polri members is not limited to Polri members, but is expanded to include those who are subject to statutory regulations for Polri members, even exceptions do not apply to Polri members who are serving prison sentences. It should

be understood that within the police organization there are members of the National Police and Civil Servants who serve within the Police organization. The expansion of the environment applies to PNS members who work within the Polri environment, because their existence can affect the performance of the Polri Organization (Sadjijono, 2010).

In the disciplinary regulations of members of the National Police as stipulated in Government Regulation No. 2 of 2003, the main substance confirms an obligation or imperative that can also be referred to as an order, namely, something that every member of the National Police must carry out, and makes prohibitions, namely, something that must not be done. If a member of the National Police does not carry out a required legal obligation and commits a prohibited act, it is included in the category of committing a disciplinary violation. For members of the Police who commit violations of the discipline referred to, are threatened with punishment, namely disciplinary punishment (Mutiarani, 2014).

Some prohibitions that must not be carried out by every member of the Police according to the Disciplinary Regulations for Police Members are formulated as stipulated in Article 53 paragraph (2) Letter c of Police Regulation 7/2022, as follows: (Republic of Indonesia, 2022):

"Article 13 of Government regulation (PP) No.2/2003 concerning Disciplinary Regulations for Police Members:"

- a) Disclosing confidential information on police operations;
- b) Leaving the workplace without first gaining the leader's authorization;
- c) Avoid carrying out official duties;
- d) Using state facilities for personal gain;
- e) Controlling the property of the service that is not intended for him;
- f) Rent an official house;
- g) Mastering more than 1 (one) unit of official residence;
- h) Moving the official home to an unauthorized individual;
- i) Using evidence for personal gain;
- j) Taking sides in ongoing criminal proceedings;
- k) Manipulating cases;
- l) Manage, sponsor, and/or persuade officers with their rank and position to accept candidates for members of the Indonesian National Police;
- m) Influence the investigation process for personal purposes to change the course of the case.
- n) Carrying out a forced examination that is against the authority;
- o) Carry out activities that can cause, hinder, or hinder one of the notified parties to harm the notified party;
- p) Abusing authority;
- q) hinder the efficiency of the implementation of official duties;
- r) Acting irrationally towards subordinates;
- s) Misappropriating property, money, or securities belonging to the service;
- t) Possessing, selling, buying, mortgaging, renting, lending, or stealing goods, securities or securities belonging to the service;
- u) Entering a place that can defame the good name or dignity of the Indonesian National Police, except in carrying out their duties;
- v) Making unauthorized promises for the benefit of personal, group, or other parties in any form;
- w) Wearing excessive jewellery is worn when wearing official clothes for the Indonesian National Police.

Furthermore, Law Number 2 of 2002 concerning the Indonesian National Police (State Gazette of the Republic of Indonesia of 2002 Number 2, Supplement to the State Gazette of the Republic of Indonesia Number 4168) became the legal basis for Police Regulation 7 of 2022 regarding KEPP and KKEP. Furthermore, KEPP violations are handled with a preliminary examination and trial, which includes the KKEP trial, the KKEP appeal trial, and/or the PK KKEP test.

- 1) Preliminary examination.

The preliminary examination is regulated in Police Regulation 7/2022, Article 14.

- a) The Preliminary Examination consists of the following stages:
 - a. investigative audits;
 - b. Inspection; and
 - c. Filing.

- b) The Preliminary Examination as referred to in paragraph 2 is carried out by the Accreditor (1).
- c) The examination as referred to in paragraph (1) letter b can be carried out without going through the Investigation Audit stage if there are at least two (two) sufficient tests based on the findings of the case title.

If the evidence is deemed insufficient by the Wabprof Bureau during the preliminary examination (investigation), the Paminal Bureau assumes the jurisdiction of the investigation. The Paminal Bureau not only conducts investigations to uncover evidence, but also ensures that everything in a criminal case is related to whether or not the police's professional code of ethics has been violated, so that the case is not postponed or the problem resolved.

The investigation was not only carried out by the Paminal Bureau, but also by the Criminal Investigation Unit. The Criminal Investigation Unit conducts investigations solely for the purpose of finding and gathering evidence related to a crime. The evidence collected by Paminal and the Criminal Investigation Unit has raised strong suspicions of violations of the code of ethics and criminal acts, for which the Paminal unit advised the Wabprof Bureau to continue the procedure. Code of ethics violations are being investigated. The Bureau of Wabprof and Criminal Investigation will continue to investigate criminal acts that occurred in accordance with the provisions of the Criminal Procedure Code.

2) KKEP session

If a member of the National Police commits a crime, instantly three laws are violated: the Criminal Code, Government regulation (PP) No. 2 of 2003 about Disciplinary Regulations for Police Members, and Polri Regulation No. 7 of 2022 regarding KKEP and KEPP. Due to the violation of the three (3) rules, the following orders were issued according to Article 112 paragraphs (1) and (2) of Police Regulation Number 7 of 2022 concerning KKEP and KEPP:

a) In the case of cumulative violations involving disciplinary violations and KEPP, enforcement is carried out through a disciplinary hearing mechanism or KKEP trial based on the Decree of the Head of the Work Unit where the Suspect Offender is employed, taking the opinions and legal advice of the legal function into consideration.

b) Violations that have been determined via the process of a disciplinary trial cannot be subject to a KKEP trial, and violations that have been decided in a KKEP trial cannot be subject to a disciplinary trial.

If the Code of Ethics Commission hearing decision is made before the trial in the general court, then the Code of Ethics Commission hearing decision is null and invalid (Yuliani, 2013). In light of this, the trial of the National Police Professional Code of Ethics Commission before a general court in a case against members of the National Police who are capable of committing crimes does not exhibit the idea of justice. A violation of the Police Professional Code of Ethics in the form of a criminal act is punishable in accordance with the provisions of PP. 1 of 2003 concerning Dismissal of Police Members, namely Dismissal with Disrespect (PTDH), which is also outlined in National Police Regulation (Perpol) 7/2022 article 96 paragraph (2) letter b.

Conclusions. The application of the code of ethics and discipline to members of the National Police who commit criminal acts is carried out by holding a Police Code of Ethics Session to consider whether or not it is appropriate to carry out the functions or professions of the National Police in accordance with National Police Regulation (Perpol) 7 of 2022 concerning KEPP and KKEP which is a new Police Regulation that replaces the Regulation of the Chief of Police of the Republic of Indonesia Number 14 of 2011 concerning the Code of Professional Ethics of the National Police and Regulation of the Chief of Police of the Republic of Indonesia Number 19 Of 2012 concerning the Organization and Work Procedure of the Code of Ethics Commission of the National Police of the Republic of Indonesia. This is because of the rapid development of technology and the changes in ethical, cultural, and behavioural values that have taken place in society. These societal shifts have an effect on the behaviour of members of the National Police when they are fulfilling their duties, responsibilities, and authorities, which has led to this situation. In addition, until his privileges as a National Police member are restored, the Alleged Violator is liable to administrative and ethical consequences.

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