

Police Authority Abuse Against Freedom of Expression: Case of Band Sukatani's Intimidation

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Abstract

This study aims to examine the abuse of authority by police officers against Band Sukatani's freedom of expression and analyze efforts to strengthen police institutions in preventing the recurrence of similar abuses of authority. The research method used is normative legal research with a legislative approach, a case approach, and an analytical approach to assess the conformity of the officers' actions with the applicable positive law provisions. **The novelty** of this research lies in its analytical focus on the case of intimidation of musicians as a form of restriction of freedom of expression carried out through institutional power mechanisms, thus providing a new perspective on systemic threats to the constitutional rights of citizens through the practices of law enforcement officials. **The results** of the study show that the actions of the police against the Sukatani Band were not based on criminal procedural law and did not reflect compliance with the principle of due process of law. This abuse of authority confirms the weaknesses in the internal and external oversight systems of the police and demonstrates the need for reform of the accountability mechanisms within the police institution. In addition, the study found that strengthening police institutions can be done by increasing the effectiveness of oversight functions by internal institutions such as Propam and external institutions such as Kompolnas, accompanied by the strict application of ethical and criminal sanctions against violators. **The study concludes** that preventing the abuse of authority by police officers requires a combination of strong oversight, institutional transparency, and consistent enforcement of sanctions so that police professionalism can be realized and citizens' right to freedom of expression can be protected.

Keywords: Authority; Police; Freedom of Expression

Abstrak

Penelitian ini bertujuan untuk mengkaji bentuk penyalahgunaan wewenang oleh aparat kepolisian terhadap kebebasan berekspresi yang dialami Band Sukatani serta menganalisis upaya penguatan kelembagaan kepolisian dalam mencegah terulangnya penyalahgunaan wewenang serupa. **Metode penelitian** yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan analitis guna menilai kesesuaian tindakan aparat dengan ketentuan hukum positif yang berlaku. **Kebaruan penelitian** ini terletak pada fokus analitis terhadap kasus intimidasi seniman musik sebagai bentuk pembatasan kebebasan berekspresi yang dilakukan melalui mekanisme kekuasaan

*institusional, sehingga memberikan perspektif baru mengenai ancaman sistemik terhadap hak-hak konstitusional warga negara melalui praktik aparat penegak hukum. **Hasil penelitian** menunjukkan bahwa tindakan aparat kepolisian terhadap Band Sukatani tidak didasarkan pada ketentuan hukum acara pidana dan tidak mencerminkan kepatuhan terhadap prinsip *due process of law*. Penyalahgunaan wewenang tersebut menegaskan adanya kelemahan dalam sistem pengawasan internal dan eksternal kepolisian, serta menunjukkan perlunya reformasi mekanisme akuntabilitas dalam tubuh institusi kepolisian. Selain itu, penelitian menemukan bahwa penguatan kelembagaan kepolisian dapat dilakukan melalui peningkatan efektivitas fungsi pengawasan oleh lembaga internal seperti Propam dan lembaga eksternal seperti Kompolnas, disertai penerapan sanksi etik maupun pidana secara tegas terhadap pelanggar. **Kesimpulan penelitian** menegaskan bahwa pencegahan penyalahgunaan wewenang aparat kepolisian membutuhkan kombinasi antara pengawasan yang kuat, transparansi institusional, serta penegakan sanksi yang konsisten agar profesionalisme kepolisian dapat terwujud dan hak kebebasan berekspresi warga negara tetap terlindungi.*

Kata Kunci: Wewenang; Kepolisian; Kebebasan Berekspresi

1. INTRODUCTION

A state governed by the rule of law is one that is founded upon legal principles to ensure justice for all its citizens. Justice serves as a fundamental pillar in achieving societal welfare.¹ Indonesia adheres to the principle of popular sovereignty (democratie), wherein the highest authority within the government ultimately resides with the people. Consequently, the exercise of power must involve public participation. Within a constitutional legal system, the implementation of popular sovereignty is actualized and exercised through constitutional mechanisms in accordance with the law and the constitution.²

According to Willem Konijnenbelt, the concept of the rule of law is underpinned by four fundamental principles that ensure the legitimacy and just operation of government. The first principle is the legality of administration (*wetmatigheid van bestuur*), which mandates that every act of government must be based on authority conferred by the constitution or prevailing legal regulations. Secondly, the government is obliged to respect and uphold human rights (*grondrechten*), recognizing the essential liberties and dignities of its citizens. The third pillar is the equitable distribution of governmental powers (*machtsverdeling*). This requires the division of authority among various state institutions in a manner that ensures balance and mutual oversight (*checks and balances*). Finally, for the rule of law to be effective, all government policies or decisions must be subject to independent judicial review (*rechterlijke controle*), allowing the judiciary to assess their legality and provide a crucial mechanism for accountability.

The right to personal liberty is one of the most fundamental human rights, as it encompasses an individual's autonomy in determining their own destiny. Similarly, the right

¹ Faisal Akbar Nasution and Andryan, *Hukum Tata Negara* (Jakarta: Sinar Grafika, 2023), 20.

² Jimly Asshiddiqie, *Konstitusi Dan Konstitusionalisme* (Jakarta: Konstitusi Press, 2006), 56.

to freedom of expression holds a crucial role.³ Every individual is entitled to voice their opinions in the public sphere. Each person's voice deserves to be respected and appreciated. This right also constitutes a core element of democracy, wherein freedom of expression is guaranteed without threats or interference from those in power.⁴

The right to freedom of expression is reflected in the fourth principle of the Indonesian national identity, Pancasila. This right guaranteed protection for every individual to express their opinions responsibly through criticism, suggestions, or input in oral, written, or other media, including to the government.⁵

The administration of government must be based on the rule of law (*rechtstaat*), rather than merely on the exercise of power (*machtsstaat*). Freedom of expression is a fundamental human right that enables individuals to convey their views and thoughts in the pursuit of truth and justice. Therefore, as long as the exercise of this freedom remains within the boundaries of the law and does not infringe upon the rights of others, it should be regarded as a constructive and valuable contribution to society.

According to a report by SETARA Institute and INFID, freedom of expression and opinion in the human rights index has decreased in the last five years. SETARA researchers stated that throughout this period, the number of freedom of expression and opinion never reached two. The human rights index recorded 1.9 in 2019, then decreased to 1.7 in 2020, 1.6 in 2021, 1.5 in 2022, and 1.3 in 2023. Insiyah explained that the government now tends to use more subtle methods to limit freedom of expression and opinion.⁶

The band Sukatani has garnered significant public attention following the controversy surrounding their song titled "*Bayar Bayar Bayar*." The song contains sharp criticism directed at members of the police force who have allegedly committed legal violations. What further attracted public concern and raised suspicions was the release of a video clarification by the punk band Sukatani, in which they issued a public apology and removed the song from circulation.

The unusual video recording featuring two members of Sukatani quickly spread across social media platforms. The hashtag #KamiBersamaSukatani became a central topic of discussion and reached the top of the trending list on X. In response to widespread public criticism, the Central Java Regional Police eventually issued a clarification. The public accused the police of exerting pressure and engaging in repressive actions against Sukatani, which

³ Oskar S Matompo, *Hukum Dan Hak Asasi Manusia* (Malang: Setara Press, 2018), 131.

⁴ Ibid., 134.

⁵ Ibid.

⁶ Antara, "SETARA Institute-INFID: Angka Kebebasan Berpendapat Turun Di 2023," 2023, <https://www.antaranews.com/berita/3864723/setara-institute-infid-angka-kebebasan-berpendapat-turun-di-2023>.

ultimately led to the band's apology and the withdrawal of their song *Bayar Bayar Bayar*.⁷ The Indonesian National Police, being an institution structurally accountable directly to the President, is expected to perform its functions with optimal integrity and transparency. However, numerous reports indicate ethical breaches, including repressive actions and the abuse of power by individual police officers, which negatively impact the public.⁸

Commissioner Artanto, Head of Public Relations for the Central Java Regional Police, emphasized that the police institution remains open to criticism and continues to respect freedom of expression, including its manifestation through artistic forms. He acknowledged that the police had indeed summoned members of the band Sukatani. However, he stated that the meeting was merely an informal conversation between the Cyber Crime Investigation Unit of the Central Java Police and the band members. Artanto further asserted that the National Police did not issue any directive instructing the members of Sukatani to produce an apology video.⁹

Indeed, a song can effectively serve as a form of social critique directed at the government. In the contemporary era, the articulation of public opinion is no longer confined to physical demonstrations; instead, it can also be achieved through artistic works that encapsulate public perspectives. Such works are intended to be widely heard, aiming to voice the thoughts and concerns of the community, rather than to manipulate public opinion.¹⁰

Based on the foregoing background, freedom of expression stands as a fundamental right to be enjoyed by all members of society. Conversely, such freedom is occasionally impeded by biased interpretations enacted by state institutions. Yet, freedom of expression is a fundamental right that also serves as an indicator of a democratic state. Therefore, it warrants and demands protection from all parties, including state institutions. Grounded in these considerations, the author is compelled to undertake a legal study titled "Police Authority Abuse Against Freedom of Expression: Case of Band Sukatani's Intimidation." The issues to be investigated include the forms of abuse of authority by police apparatus concerning Band Sukatani's freedom of expression, as well as efforts to strengthen police institutions in preventing such abuse of authority.

2. METHOD

Normative legal research views law as a set of norms used in society, serving as a standard for conduct. This research primarily focuses on collecting positive law, legal

⁷ DetikJatim, "Geger Lagu Bayar Bayar Bayar Berujung Sukatani Diperiksa Polisi," Detik, 2025, <https://www.detik.com/jatim/berita/d-7791978/geger-lagu-bayar-bayar-bayar-berujung-band-sukatani-diperiksa-polisi>.

⁸ Mohd. Yusuf DM, "Analisis Terhadap Pembatasan Dan Pengawasan Kewenangan Kepolisian Di Indonesia," *Milthree Law Journal* 1, no. 2 (2024): 155, <https://doi.org/https://doi.org/10.70565/mlj.v1i2.7>.

⁹ DetikJatim, "Geger Lagu Bayar Bayar Bayar Berujung Sukatani Diperiksa Polisi."

¹⁰ Agnesya Irnadia Tahlia and Rizky Abrian, "Musik Sebagai Kritik Sosial Terhadap Pemerintah: Kajian Analisis Wacana Norman Fairclough (Lagu Kritik Lagi - Feast)," *An-Nas: Jurnal Humaniora* 7, no. 2 (2023): 179, <https://doi.org/https://doi.org/10.32665/annas.v7i2.2287>.

principles, and doctrines, analyzing law in concrete cases, systematizing legal frameworks, harmonizing regulations. Legal research invariably stems from a curiosity to find solutions to real-world problems. The approach adopted in this study incorporates three types of legal approaches: the statutory approach, the analytical approach, and the case approach. The researcher will analyze, interpret, and evaluate positive legal norms regarding the issue of Band Sukatani's intimidation to scrutinize the actions of police officers within a legal framework and to analyze efforts to strengthen police institutions in preventing the abuse of authority by police officers.

3. DISCUSSION

3.1 Forms of Abuse of Authority by Police Officers Against Band Sukatani's Freedom of Expression

Compliance with the law is obligatory for all parties, including both the public and, without exception, law enforcement officials. Realizing legal values must be collectively understood and implemented by those upholding the legal culture. This is crucial for maintaining the very existence of the legal order. Occasionally, the relationship between the public and law enforcement officials is not always balanced. There are instances where members of the public become victims of legal misconduct by law enforcement officials.

As a nation upholding democracy, there are two fundamental principles that must be safeguarded and respected by all parties: the principle of freedom and the principle of equality. Freedom encompasses several crucial aspects. First, the freedom to express ideas and opinions. Second, the freedom to associate with individuals who share similar views (the right to assemble, gather, or interact).¹¹ The errors of the New Order era must not be repeated in the present, where contemporary society still firmly upholds the spirit of reform.

Regarding freedom of expression, on March 1, 2025, Band Sukatani announced via their Instagram account @sukatani.band that they had experienced pressure and intimidation from police officers concerning their song "*Bayar, Bayar, Bayar*." This type of harassment had reportedly been ongoing since July 2024. The coalition views these actions as a deliberate attempt to silence Band Sukatani. If such conduct is permitted to continue without sanctions for the perpetrators, similar incidents could recur, posing a broader threat to both democracy and artistic freedom.¹²

Ahmad Syamsuddin Arief, Director of the Legal Aid Institute Semarang and legal counsel for Band Sukatani, stated that the police allegedly intimidated Sukatani through surveillance and information gathering. On February 20, 2025, Sukatani removed the song "*Bayar Bayar Bayar*" from music platforms after it went viral due to its lyrics mentioning "*pay the police*." Through a video uploaded on their Instagram account @sukatani.band, two band

¹¹ Zulkifli Ismail, *Buku Ajar Sosiologi Hukum* (Malang: Literasi Nusantara Abadi Grup, 2023), 152.

¹² ICJR, "Band Sukatani Akui Ada Intimidasi: Proses Pemeriksaan Etik Dan Pidana Wajib Dilakukan Kepada Anggota Polisi Yang Melanggar," 2024, <https://icjr.or.id/band-sukatani-akui-ada-intimidasi-proses-pemeriksaan-etik-dan-pidana-wajib-dilakukan-kepada-anggota-polisi-yang-melanggar/>.

members, Muhammad Syifa Al Lutfi and Novi Citra Indriyati, conveyed an apology to the Chief of Police and the police institution. Arief revealed that the video was made under duress from the Cybercrime Directorate of the Central Java Regional Police.¹³

The Head of Public Relations for the Central Java Regional Police, on February 25, 2025, revealed that the investigation by the Central Java Police Propam (Professionalism and Security Division) indicated that the members examined had performed their duties professionally. On February 24, 2025, the Executive Chairman of the National Police Commission (Kompolnas), Police Inspector General (Ret.) Arif Wicaksono Sudiutomo, along with Chief of Police staff, Retired Police Inspector General Aryanto Sutadi, denied allegations of intimidation. The Kompolnas Chairman asserted that the presence of Central Java Regional Police members during their meeting with Band Sukatani personnel was not intended to exert pressure or conduct intimidation.¹⁴

Nonetheless, the Coalition maintains that the actions of police personnel in approaching Band Sukatani constitute both a violation and an abuse of authority. If the police institution were genuinely open to criticism, as stated by the Chief of Police in various media outlets, such actions should not have occurred. The police ought to protect and respect the right to freedom of expression, including criticism, and ensure that Band Sukatani's songs remain accessible to the wider public on various platforms, as they were previously. This is because freedom of expression is enshrined in the constitution, statutory regulations, and international legal instruments ratified by Indonesia (ICCPR).¹⁵

A contradiction exists between the statements made by the Head of Public Relations for the Central Java Regional Police and the Executive Chairman of the National Police Commission, and Sukatani's statement on their Instagram page. As a law enforcement institution, the police body must provide evidence to refute these claims. Failing to do so would indicate that arbitrary legal actions by police apparatus against freedom of expression have indeed occurred in Indonesia.

The actions of the police apparatus in approaching members of Band Sukatani appeared to be an official investigative activity. During this, police officers conducted observation, surveillance, and tracking of Band Sukatani members. However, an investigation can only be carried out based on a report and/or complaint, along with an official investigation warrant.¹⁶ It is evident that an investigation is not an isolated act, but rather a series of actions undertaken by police officers to identify and uncover an incident suspected of being a criminal

¹³ Tempo, "Bentuk-Bentuk Intimidasi Yang Diterima Band Sukatani Sejak Juli 2024," 2025, <https://www.tempo.co/hukum/bentuk-bentuk-intimidasi-yang-diterima-band-sukatani-sejak-juli-2024-1214160>.

¹⁴ ICJR, "Band Sukatani Akui Ada Intimidasi: Proses Pemeriksaan Etik Dan Pidana Wajib Dilakukan Kepada Anggota Polisi Yang Melanggar."

¹⁵ Ibid.

¹⁶ Indonesia, Regulation of the Chief of the Indonesian National Police No. 6 of 2019 concerning Criminal Investigation, arts. 5–6.

offense.¹⁷ Therefore, it becomes intriguing and questionable whether the freedom of expression conveyed through the musical art of Band Sukatani's published song was regarded as an alleged criminal offense by the police apparatus.

The temporary restraint experienced by members of Band Sukatani constitutes a police coercive measure that does not align with criminal procedural law and lacks clear justification. Erdianto Effendi states that the practices implemented by law enforcement agencies result in the restriction and reduction of freedoms and human rights. Therefore, such actions must be carried out responsibly, in accordance with applicable legal provisions.¹⁸ Even in the context of arrest, for instance, Article 17 of the Criminal Procedure Code, stipulates the procedure for apprehending an individual who is strongly suspected of involvement in a criminal offense based on sufficient preliminary evidence.

The application of human rights principles and standards is regulated under Regulation of the Chief of the Indonesian National Police Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Performance of Duties of the Indonesian National Police (hereinafter referred to as "Perkap Number 8 of 2009"). However, the guidelines of this mandate were violated by police officers in the Band Sukatani case. The pressure and intimidation that ultimately led Band Sukatani personnel to create a clarification video for the police, in reality, violated the provisions of Article 13 paragraph (1) letter a of Perkap Number 8 of 2009, which states that in carrying out investigative activities, every Polri officer is prohibited from engaging in intimidation, threats, physical, psychological, or sexual torture to obtain information, statements, or confessions.

As law enforcement officials, the principle of legality, as stipulated in Article 9 paragraph (2) of Perkap Number 8 of 2009, must be understood and applied by all police members. This principle mandates that every police action be conducted in accordance with applicable procedures and regulations, encompassing both national and international legal frameworks. Furthermore, the primary regulation governing the police force, Law Number 2 of 2002 concerning the Indonesian National Police (hereinafter referred to as "Police Law"), directs its members to always base their duties and authorities on legal norms and uphold human rights.¹⁹

In the incident concerning Band Sukatani, reference to the Police's public ethics indicates a clear breach of public ethics committed by the police officers who intimidated the band. This breach manifests in several ways: primarily, the act of seeking fault with the public; secondly, disseminating inappropriate information that could cause public unrest; and thirdly, behaving, speaking, and acting arbitrarily. Collectively, these actions represent a serious

¹⁷ Edi Abdullah, *Hukum Kepolisian Presisi* (Yogyakarta: Deepublish, 2023), 154.

¹⁸ Erdianto Effendi, *Hukum Acara Pidana: Perspektif KUHAP Dan Peraturan Lainnya* (Bandung: Refika Aditama, 2021), 67.

¹⁹ Indonesia, Law No. 2 of 2002 concerning the Indonesian National Police, art. 19.

deviation from the professional and ethical standards expected of police officers in their interactions with the community:²⁰

Every member of the Indonesian National Police (Polri) is fundamentally required to possess moral independence and ethics, which obligates them to act justly, impartially, and uphold human rights, while consistently seeking the truth based on their conscience, free from external intervention. Diligent adherence to the professional code of ethics is crucial to ensure that Polri members do not abuse their authority.²¹ Every member of the Indonesian National Police (Polri) is fundamentally required to possess moral independence and ethics, which obligates them to act justly, impartially, and uphold human rights, while consistently seeking the truth based on their conscience, free from external intervention. Diligent adherence to the professional code of ethics is crucial to ensure that Polri members do not abuse their authority. Concurrently, it remains imperative for stakeholders and law enforcement officials to consistently remember that, inherent in the essence of popular sovereignty and democratic legitimacy, is the absolute authority of the people. This authority includes the right to monitor the implementation of governance and the actions of state officials, the right to approve or oppose political decisions issued by the government, and the ultimate right to withdraw support, mandates, recognition, and approval previously granted, both during the ongoing term of power and in subsequent elections.²²

Freedom of expression must be upheld without any efforts deemed to obstruct the voice of the people. Guarantees and protection are required for the communication of opinions, aspirations, ideas, and notions. Limitations should not be imposed solely on the basis of differing viewpoints.²³ Should this freedom be subjected to restrictions, constructive criticisms that genuinely contribute to the well-being of the nation and state are potentially hindered. Public aspirations and evaluations directed towards governmental bodies and/or officials serve as a tool for improvement, not a threat to democracy and governance.

3.2 Efforts to Strengthen Police Institutions in Preventing Abuse of Authority by Police Officers

One crucial method to ensure the integrity of legal institutions, preventing interference from the abuse of power, is through oversight. The implementation of supervisory measures over police institutions, encompassing both internal and external perspectives, must be continuously prioritized to genuinely uphold the law and prevent deviations and abuses of legal authority. This approach fosters the creation of a professional, clean, and accountable

²⁰ Indonesia, Regulation of the Indonesian National Police No. 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, art. 12.

²¹ Naufalina Rabbani, Candra Hayatul Iman, and Puti Priyana, "Penegakan Hukum Peraturan Kedinasan Kepolisian Dalam Menangani Pelanggaran Etika Kepolisian," *Widya Yuridika: Jurnal Hukum* 4, no. 1 (2021): 72, <https://doi.org/https://doi.org/10.31328/wy.v4i1.2146>.

²² Suteki, *Hukum Dan Masyarakat* (Yogyakarta: Thafa Media, 2021), 307–308.

²³ Sinta Amelia Febrianasari and Waluyo, "Kebebasan Berpendapat Dalam Perspektif Kedaulatan Rakyat," *Jurnal Demokrasi Dan Ketahanan Nasional* 1, no. 2 (2022): 244–245.

law enforcement agency. The combination of internal and external oversight is an effective synergy for maximizing the objectives of such supervision.

A fundamental weakness within the police institution lies in the expansion of duties post-reform without adequate control mechanisms. This institution is predominantly subject to internal oversight by its own members, while simultaneously emphasizing solidarity. Consequently, public reports concerning the police that could damage the institution's image often do not progress as they are handled by peers.²⁴

Solidarity that deviates from professional work standards among Indonesian National Police members can diminish their quality as law enforcement officers. Police ethics and professionalism are crucial foundations for building and maintaining public trust. These two elements are intrinsically linked and directly influence public perception of the police institution's integrity, legitimacy, security, and justice.²⁵

The controlling function within the Indonesian National Police (hereinafter referred to as "Polri") comprises both internal and external oversight, as follows:

Internal Oversight, Profession and Security Polri (Propam Polri): Within the organizational structure of the Polri, Propam is an acronym for Profesi dan Pengamanan (Profession and Security). This division functions as a unit responsible for professional development and internal security within the Polri, and is known as the Propam Polri Division.²⁶ Generally, Propam's duties involve developing and executing professional oversight and internal security functions. This includes enforcing discipline and order within the Polri environment and handling public complaints regarding violations committed by Polri members or civil servants. Propam is structured into three sub-organizations, referred to as Pus: Pus Paminal, responsible for internal Polri security; Pus Bin Profesi, which manages professional oversight; and Pus Provost, which plays a role in enforcing discipline and order within the Polri.²⁷

Inspectorate General of Supervision: The Inspectorate General of Supervision (Irwasum) of Polri is tasked with conducting oversight and providing directives concerning the implementation of programs, activities, and the accountability for the use of state budgets by budget-user authorities within the Polri environment during the current fiscal year.²⁸

Investigator Oversight: Oversight and control of investigations are carried out by the Investigator's superior and the officer responsible for the investigative function. This aims to ensure that the investigation process adheres to applicable legal provisions. This oversight

²⁴ Edi Saputra Hasibuan, *Hukum Kepolisian Dan Criminal Policy Dalam Penegakan Hukum* (Depok: Rajawali Pers, 2021), 169.h

²⁵ Alif Putra Widiyanto, Anggie Febriani, and Christopher Elia Julio, "Analisis Peran Etika Dan Profesionalisme Polisi Sebagai Penegak Hukum Dalam Menjaga Kepercayaan Masyarakat: Studi Kasus Ferdy Sambo," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 10 (2025): 95, <https://doi.org/https://doi.org/10.5281/zenodo.15369303>.

²⁶ I Ketut Adi Purnama, *Hukum Kepolisian: Sejarah Dan Peran Polri Dalam Penegakan Hukum Serta Perlindungan HAM* (Bandung: Refika Aditama, 2018), 107.

²⁷ Ibid.

²⁸ Ibid., 109.

serves to prevent and detect violations in the investigative process conducted by both Investigators and Assistant Investigators.²⁹

External Oversight, Non-Governmental Organization: Non-Governmental Organizations (hereinafter referred to as "NGOs") are entities voluntarily formed by individuals or groups to provide benefits to society without a profit orientation.³⁰

Ombudsman Republik Indonesia: In the provision of public services, the Ombudsman of the Republic of Indonesia functions to receive reports of alleged maladministration, conduct analyses of these reports, follow up on complaints, carry out investigations, establish coordination with relevant institutions, and endeavor to prevent administrative deviations.³¹ In the context of public service, the police institution can also be overseen by the Ombudsman when there are complaints or grievances originating from the public.

National Human Rights Commission: The National Human Rights Commission is an independent institution, equivalent in standing to other state bodies, that functions to conduct studies, research, public education, investigation, and mediation on issues related to human rights.³²

National Police Commission: The National Police Commission (Kopolnas) is a body operating directly under and accountable to the President. As a strategic partner to the Indonesian National Police (Polri), Kopolnas was established in accordance with Articles 37 to 40 of the Police Law. Its mandate is to accommodate public aspirations regarding the transparency, oversight, and accountability of the police in executing their duties as an independent institution.

The authority of Kopolnas, as stipulated in Article 38 paragraph (2) of the Police Law, encompasses the analysis of data related to the Polri budget to be submitted as input to the President, the provision of recommendations and other considerations to support the Polri's independence and professionalism, and the collection of public input and complaints regarding police performance for subsequent reporting to the President.

Commission III of the House of Representatives of the Republic of Indonesia. Commission III of the House of Representatives of the Republic of Indonesia (DPR RI), which covers law, legislation, human rights, and security, is expected to exercise strict oversight over the Indonesian National Police (Polri) across various aspects. This supervision is crucial given the persistence of numerous abuses of authority, misuse of police discretion, and various cases of indiscipline by individual Polri personnel in the law enforcement process.

Both internal and external oversight serve as preventive measures to monitor the performance of the police institution. However, the prevailing discourse of solidarity within

²⁹ Indonesia, Regulation of the Chief of the Indonesian National Police No. 6 of 2019 concerning Criminal Investigation, arts. 36, 42.

³⁰ Purnama, *Hukum Kepolisian: Sejarah Dan Peran Polri Dalam Penegakan Hukum Serta Perlindungan HAM*, 98.

³¹ Ibid., 99.

³² Ibid., 101.

this institution, which at times shields individual police officers, impedes the realization of a professional Polri that truly upholds law enforcement, legal protection, and legal services to the community. Therefore, the strict and fair enforcement of discipline against actions by police personnel that tarnish the institution's own image must be seriously implemented as a repressive effort to uphold the dignity of the police force.

Rigorous oversight is a crucial measure to prevent and avoid the recurrence of power abuse. However, the persistent volume of public complaints against the police institution indicates that current oversight mechanisms are not yet optimally effective. Therefore, an additional step to achieve police professionalism involves the application of repressive sanctions against police personnel who commit violations of the professional code of ethics.

The firmness of leadership is crucial in creating a deterrent effect for police officers who violate the professional code of ethics. The police code of ethics is mandatory to comply with and restricts the actions of Polri members to prevent the abuse of authority.³³ Appropriate and measured sanctions can reduce violations occurring within the police institution.

The Police Professional Code of Ethics (KEPP) serves as the moral standard guiding the attitudes, behaviors, and actions of police officials. The classification of KEPP violations is stipulated in Article 17 of the Regulation of the Indonesian National Police Number 7 of 2022 concerning the Professional Code of Ethics and the Code of Ethics Commission, which categorizes them into minor, moderate, and severe violations. The Indonesian National Police Code of Ethics Commission (KKEP) is the authority responsible for overseeing and enforcing the rules of the police professional code of ethics.

KKEP are resolved through several structured stages or methods. The process commences with a Preliminary Examination. Following this initial review, the case proceeds to the Trial stage, which encompasses a series of hearings designed to ensure accountability and fairness. This trial phase consists of three main components: first, the KKEP Hearing; second, the KKEP Appeal Hearing; and finally, the KKEP Judicial Review Hearing. These stages are systematically implemented to ensure that every ethical violation is handled thoroughly and in accordance with established legal procedures.³⁴

The preliminary examination phase is conducted to determine the existence of an alleged KEPP violation and to identify the level of the violation (minor, moderate, or severe).³⁵ KKEP hearings can proceed through three stages: the first-instance KKEP, the KKEP appeal level, and the KKEP Judicial Review. Petitioners subjected to administrative sanctions are entitled to file both appeals and requests for judicial review.

³³ Riyan Yudinata et al., "Fungsi Kode Etik Polisi Dalam Mencegah Pelanggaran Yang Dilakukan Aparat Penegak Hukum," *Mizanuna: Jurnal Hukum Ekonomi Syariah* 02, no. 01 (2024): 41–42, <https://doi.org/https://doi.org/10.59166/mizanuna.v2i1.144>.

³⁴ Indonesia, Regulation of the Indonesian National Police No. 7 of 2022 concerning the Professional Code of Ethics and the Code of Ethics Commission, art. 3 para. (2).

³⁵ Indonesia, Regulation of the Indonesian National Police No. 7 of 2022 concerning the Professional Code of Ethics and the Code of Ethics Commission, arts. 16–17.

The imposition of penalties for violations of the Police Professional Code of Ethics (KEPP) is structured to include both ethical sanctions and/or administrative sanctions. Ethical sanctions are typically applied to violations categorized as minor, whereas the more severe administrative sanctions are reserved for violations classified as moderate and severe. Ethical sanctions primarily involve three forms of corrective measures: declaring the offender's misconduct as reprehensible behavior; obligating the offender to issue a verbal apology before the KKEP Hearing and a written apology to the Polri leadership and the aggrieved party; and requiring the offender to undergo spiritual and mental coaching, alongside professional development, for a duration of one month. In contrast, administrative sanctions are more stringent and include measures such as: demotion-based job rotation for a minimum duration of one year; suspension of promotion for a minimum of one year and a maximum of three years; suspension from educational programs for a minimum of one year and a maximum of three years; temporary detention in a special facility for up to 30 working days; and, ultimately, dishonorable discharge.

An effective combination of both external and internal oversight, coupled with the uncompromising application of firm and proportional sanctions against police officers who abuse their authority, represents a strategic measure to strengthen the police institution. External oversight ensures transparency and accountability, while internal oversight plays a crucial role in maintaining discipline and integrity within the Polri. Furthermore, comprehensive and continuous internal reforms will further solidify the Polri's role in upholding the law, providing protection, safeguarding, and serving the community professionally and justly. Consequently, public trust in the police can be restored and reinforced.

4. CONCLUSION

Compliance with the law is mandatory for all parties, incumbent upon both the public and, without exception, law enforcement officials. As a nation that upholds democracy, the principles of liberty and equality must be respected by all. The action of the police officers in approaching the members of the Sukatani Band constitutes a temporary restraint, which qualifies as a coercive police measure that is inconsistent with criminal procedure law and lacks clear justification. This is notwithstanding the fact that the Law on the Police and its implementing regulations consistently provide guidance for police officers to act in accordance with legal norms and to uphold human rights. Rigorous oversight is an essential measure to prevent the recurrent abuse of authority. Internal oversight of the police institution is conducted by the National Police's Professionalism and Security Division (Propam Polri), the General Supervision Inspectorate (Irwasum Polri), and Supervising Investigators. Furthermore, external oversight can be performed by Non-Governmental Organizations (NGOs), the Ombudsman of the Republic of Indonesia, the National Commission on Human Rights (Komnas HAM), and the National Police Commission (Kopolnas). An additional measure to realize police professionalism is the strict application of sanctions against officers who violate

the professional code of ethics. Rigorous oversight and well-defined sanctions can serve as foundational steps for the future improvement of the police institution.

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