

Restructuring of the Code of Ethics for the Protection of Human Rights in the Investigation of Suspects by the Indonesian National Police

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Abstract: *The protection of human rights (HAM) in the criminal justice system is a fundamental aspect that must be guaranteed by all law enforcement officers, including the Indonesian National Police (Polri). In suspect examinations, human rights principles often face challenges in their implementation, both due to regulatory weaknesses and field practices. One important instrument that plays a role in ensuring human rights protection during suspect examinations is the police code of ethics. This code of ethics regulates the standards of behavior and moral obligations that every member of the Polri must adhere to in conducting their duties. However, there are still gaps in the Polri code of ethics that have the potential to lead to human rights violations, such as the use of violence, intimidation, or misuse of power when questioning suspects. In order to guarantee that every police activity during suspect exams complies with applicable legislation and human rights principles, it is imperative that the code of ethics be reorganized. The study adopts a normative juridical approach, which is legal research that focuses on the assessment of legal doctrines and norms pertaining to the protection of human rights during police questioning of suspects. The National Police Chief's Regulation on the professional code of ethics and Law Number 2 of 2002 concerning the Indonesian National Police are two examples of primary legal materials that were used as data sources. Secondary legal materials included literature, scientific journals, and other legal documents. This approach is used to examine the extent to which the current*

National Police code of ethics protects the human rights of suspects and how an ideal restructuring concept can be implemented to strengthen this protection. The results are expected to provide concrete recommendations for updating the National Police code of ethics to be more oriented towards human rights protection and in line with the principle of due process of law in the criminal justice system.

Keywords: *Restructuring of the code of ethics; human rights; suspect examination; Indonesian National Police*

Introduction

The idea of a state founded on the rule of law (*Rechtsstaat*) highlights the need for all government acts, including law enforcement, to be grounded in existing law and not be carried out arbitrarily (Muabezi, 2017). The protection of human rights is a fundamental concept that must be respected in a state founded on the rule of law, especially while law enforcement agents are questioning suspects (Rambe & Sihombing, 2024). One fundamental

concept in a state based on the rule of law is due process of law, the principle that guarantees that every individual, including suspects in a criminal case, must be treated fairly in accordance with established legal procedures. This principle includes the right to self-defense, the right not to be treated arbitrarily, and the right to a fair and transparent trial. In the context of examining suspects, the principle of due process of law is crucial to prevent human rights violations, such as torture, intimidation, or other arbitrary acts frequently committed by law enforcement officers (Siregar, 2016).

A code of ethics is a set of norms and standards of conduct designed to regulate the actions of law enforcement personnel in carrying out their responsibilities. In the context of law enforcement, a code of ethics operates as a guide to guarantee that each officer performs their job with professionalism, integrity, and respect for human rights. The presence and use of a robust code of ethics, which governs both internal discipline and police interactions with the public, is crucial to the professionalism of law enforcement personnel, including during the suspect examination process (Manalu, 2014). Various countries have developed police codes of ethics that emphasize the protection of human rights, such as the Police Code of Ethics in the United Kingdom, which emphasizes accountability and transparency (Westmarland & Rowe, 2018). The Law Enforcement Code of Ethics in the United States also emphasizes the obligation to protect individual rights (Pollock & Reynolds, 2015). By comparing police codes of ethics in various countries, best practices can be identified that can be adopted to improve ethical standards and police professionalism in Indonesia.

During the suspect examination process, several human rights principles must be adhered to by law enforcement officers. One of the main principles is the principle of non-discrimination and humane treatment, which ensures that all individuals, regardless of their background, are treated equally before the law and are not subjected to any degrading treatment (Susiyanto et al., 2021). Furthermore, suspects also have the right to legal aid, which allows them to receive legal representation to ensure the protection of their rights during the interrogation process. Another fundamental right is the right not to be tortured, as stipulated in the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) (Nisser, 2023). International standards like the UN Code of Conduct for Law Enforcement Officials, which mandates that law enforcement officials must act responsibly and must not use unnecessary force or coercion in carrying out their duties (Fikentscher, 1982). By adhering to these international standards, it is hoped that the practice of interrogating suspects in Indonesia will better respect and protect human rights.

In the criminal justice system, the Indonesian National Police (Polri) is extremely important, especially when it comes to the investigation and inquiry phases. As the institution responsible for enforcing law and public order, the Polri has the authority to question suspects during criminal investigations. In fulfilling its duties, the Polri acts not only as a law enforcement officer but also as the vanguard in ensuring justice and protecting human rights for every individual, including suspects in criminal cases (Munib, 2018). Therefore, the application of human rights principles at every stage of suspect investigations is essential to prevent abuse of authority and arbitrary actions that could harm suspects' rights.

One instrument that plays a role in ensuring the professionalism and integrity of police officers is the police code of ethics. The police code of ethics is used in the performance of their tasks. This code of ethics

acts as a moral guideline and behavioral norms that must be adhered to by every Polri member in carrying out their tasks, including during the process of questioning suspects. With a strong and consistently implemented code of ethics, the police can carry out their duties with full responsibility, transparency, and accountability. Furthermore, the code of ethics plays a role in building public trust in the police institution, particularly in ensuring that every individual in conflict with the law continues to receive protection of their rights as stipulated in the constitution and international human rights instruments (Yudinata et al., 2024).

However, in practice, the implementation of the code of ethics in the examination of suspects still faces various challenges. One major problem is the persistence of irregularities in the examination process, such as the use of violence, intimidation, and actions that violate human rights principles. Several reports indicate that suspects often experience physical and psychological pressure during examinations, which violates the principle of due process of law and international standards governing the treatment of suspects. Furthermore, the efficient application of the National Police code of conduct is further hampered by inadequate oversight procedures and penalties for transgressions. Consequently, a reorganization of the National Police code of ethics is necessary to align it more closely with human rights principles and to ensure its effective application in the examination of suspects.

Method

The normative juridical technique, a legal research approach that concentrates on the applicable legal norms, is the research methodology used in this study in laws and regulations as well as relevant legal principles. This method is used to analyze the validity and implementation of the Indonesian National Police code of ethics in relation to the protection of human rights (HAM) when questioning suspects. The 1945 Constitution, Law Number 2 of 2002 concerning the Indonesian National Police, and the Regulation of the Chief of Police (Perkap) concerning the Police Professional Code of Ethics are just a few of the key legal sources that will be examined in this study, and various other regulations governing the procedures for examining suspects by the police. In addition, an analysis will be conducted of secondary legal sources, such as books, legal journals, and research reports that discuss the protection of human rights in the criminal justice system and the police code of ethics. The approaches used in this study include a statutory approach to understand how the police code of ethics regulates the suspect examination process, a conceptual approach to explore fundamental concepts regarding the code of ethics, police professionalism, and human rights, and a comparative approach to compare police codes of ethics in several countries that are more advanced in protecting human rights. The analysis in this study was conducted using the legal interpretation method to understand the meaning and substance of the rules applicable in the Polri code of ethics and to see the extent to which these rules are in line with internationally recognized human rights standards, such as the United Nations (UN) Code of Conduct for Law Enforcement Officials and the Universal Declaration of Human Rights (UDHR). Using this method, the study aims to identify weaknesses in the existing Polri code of ethics and to develop a more optimal

restructuring model to ensure human rights protection for suspects during the examination process.

Result and Discussion

Analysis of the Indonesian Police Code of Ethics in the Examination of Suspects and Its Weaknesses

The National Police Chief Regulation (Perkap) Number 7 of 2022 regulating the Code of Professional Ethics and the National Police Code of Ethics Commission governs the Indonesian National Police's Code of Professional Ethics. Every Indonesian National Police member is required to abide by the norms of conduct outlined in this regulation, including when carrying out investigative and criminal investigations of suspects. Article 4, paragraph (1) of the Perkap states that every member of the Indonesian National Police is obliged to uphold human rights, act professionally, transparently, and accountably. Furthermore, Article 10 emphasizes that Indonesian National Police members are prohibited from committing torture or inhumane acts against suspects during the investigation process.

Although this regulation normatively accommodates the principles of human rights protection, its implementation still faces various challenges. One major weakness is the lack of a strict oversight mechanism for Polri members' compliance with the code of ethics. Many cases demonstrate that even when there are violations of the code of ethics during the examination of suspects, the sanctions imposed tend to be light or even inconsistently applied. This results in the code of ethics lacking strong coercive power to prevent irregularities in the investigative process (Daeng & Dewi, 2024).

Another weakness in the Indonesian National Police's code of ethics is the lack of a transparent accountability mechanism for handling violations of suspects' rights. Article 33 of Law Number 39 of 1999 concerning Human Rights affirms that every suspect has the right to be treated humanely and free from torture. However, in practice, the mechanism for reporting human rights violations by Indonesian National Police officers remains weak, particularly because suspects are often vulnerable and afraid to report actions by officers that violate their rights (Junaidi et al., 2023).

Furthermore, Article 52 of the Criminal Procedure Code (KUHAP) stipulates that defendants or suspects are entitled to legal aid from the time of examination. However, in many cases, this right is not always fulfilled, especially for suspects from vulnerable groups or those with limited access to legal assistance. The absence of legal assistance during the examination process opens opportunities for officers to act outside proper legal procedures (Musafa et al., 2024).

In practice, actions that violate human rights principles during the examination of suspects are still common. One of the most common violations is the use of physical and psychological violence to obtain confessions from suspects. This contradicts Article 28G paragraph (2) of the 1945 Constitution, which affirms that everyone has the right not to be tortured or treated inhumanely. Furthermore, acts of violence during interrogations also violate the Convention Against Torture (CAT), which Indonesia ratified through Law Number 5 of 1998 (Maryani et al., 2022).

Other violations include intimidation and coercion of suspects into confessing to acts they may not have committed. This contradicts Article 14, paragraph (3) of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right of every individual not to be compelled to testify against themselves. In some cases, suspects are also subjected to isolation or detention in inadequate conditions as a form of pressure to obtain information desired by investigators (Sampul et al., 2023).

Although According to Regulation Number 7 of 2022, the National Police Code of Ethics Commission (KKEP) is the organization designated to deal with code of ethics offenses, in practice, this oversight mechanism remains suboptimal. One key factor is the culture of impunity within the police institution, where police officers who violate the code of ethics often receive protection from fellow officers or their superiors. A report from the National Commission on Human Rights (Komnas HAM) also shows that many cases of alleged torture and procedural violations during the questioning of suspects remain without a transparent investigation. This indicates that the police's internal oversight mechanism remains weak in upholding the principles of accountability and transparency (Darmawan et al., 2024).

The lack of firmness in enforcing the National Police Code of Ethics has increased the risk of human rights violations during the questioning process. Weak implementation of the code of ethics has led to a loss of public trust in the police as a law enforcement agency that is supposed to guarantee justice and the rights of citizens. In addition, the practice of torture and human rights violations during the examination of suspects can have a domino effect, where testimony or confessions obtained through force can damage the validity of the criminal justice process as a whole (Iwansyah & Hoesein, 2025).

At the international level, the image of the Indonesian police could also be impacted if numerous human rights violations persist during the interrogation of suspects. Organizations such as Amnesty International and Human Rights Watch have repeatedly highlighted the practice of torture by police officers in Indonesia, which violates international standards on the rights of suspects in the criminal justice system (Martins et al., 2023). Therefore, restructuring the National Police Code of Ethics is an urgent need to ensure that human rights principles are fully implemented at every stage of suspect interrogation.

The Urgency of Restructuring the National Police Code of Ethics

Reforming the National Police Code of Ethics is urgent due to the persistence of various forms of irregularities in the performance of police duties, particularly during the interrogation of suspects. Although National Police Chief Regulation (Perkap) Number 7 of 2022 pertaining to the National Police Code of Ethics Commission and the Professional Code of Ethics (Polri) regulate the principles of professionalism and human rights protection, implementation in practice often violates established standards. Numerous reports from the National Commission on Human Rights (Komnas HAM) and other human rights organizations indicate that suspects still frequently experience violence, intimidation, and torture during interrogation. The 1945 Constitution's Article 28G, paragraph (2), which states that everyone has the right to be free from torture and treatment that diminishes human dignity, is in conflict with this. Therefore, restructuring the Indonesian National

Police code of ethics is necessary to ensure that the established norms are effectively implemented in practice.

Every Indonesian National Police (Polri) member is guided morally and legally in the performance of their responsibilities by a robust code of ethics. With a clear, strict code of ethics and a robust oversight mechanism, the police can be more professional in handling suspect investigations without violating human rights. Article 33 of Law Number 39 of 1999 concerning Human Rights affirms that every individual arrested, detained, or questioned has the right to be treated humanely and not to experience torture or arbitrary treatment. By reforming the code of ethics to incorporate human rights principles, police performance can be more aligned with international standards such as the Universal Declaration of Human Rights (UDHR) and the UN Code of Conduct for Law Enforcement Officials, which require police officers to act professionally, impartially, and not to use violence except in necessary circumstances (Selyawati & Dewi, 2017).

The restructuring of the Indonesian National Police (Polri) code of ethics must be oriented towards nationally and internationally recognized human rights principles (Sutiyo 2019). One of the key principles that must be incorporated is the principle of non-discrimination, according to Law Number 39 of 1999's Article 3, which states that everyone, regardless of race, has the right to legal protection, religion, or social status. Furthermore, the principle of due process of law, as stipulated in Article 52 of the Criminal Procedure Code, which grants suspects the right to legal representation, must also be strengthened in the National Police Code of Ethics. Another principle that needs to be incorporated is the prohibition of torture and inhumane treatment, as stipulated in Law Number 5 of 1998 pertaining to the Convention Against Torture's ratification. Members of the National Police will have more stringent guidelines for doing their jobs in compliance with human rights standards if these concepts are officially adopted in the code of ethics.

For the National Police Code of Ethics to be more effective, stricter oversight and accountability mechanisms are needed. One way this can be implemented is by strengthening the role of the National Police Code of Ethics Commission (KKEP) to be more transparent and independent in handling code violations (Iwansyah & Hoesein, 2025). Furthermore, an external oversight mechanism involving independent institutions such as the National Commission on Human Rights (Komnas HAM) and the Indonesian Ombudsman needs to be established, so that enforcement of the code of ethics does not solely rely on the often-secretive internal police system. In the context of accountability, sanctions imposed on police officers who violate the code of ethics must be stricter and not limited to administrative penalties, but can also lead to criminal sanctions in the event of serious human rights violations, as stipulated in Article 351 of the Criminal Code concerning assault and Article 422 of the Criminal Code concerning coercion of confessions by force.

To ensure that the National Police Code of Ethics truly serves as a tool for protecting human rights, several policies can be implemented. First, revise Regulation Number 7 of 2022 to more firmly prohibit the use of violence and torture during the interrogation of suspects, and strengthen the obligation of police officers to uphold the principle of due process of law. Second, increase training for police officers on human rights principles and ethical standards in the interrogation of suspects, which could involve collaboration with Legal Aid Institutions (LBH) and human rights organizations. Third, strengthening external

oversight mechanisms by involving public and media participation in monitoring police performance, and providing suspects with broader access to file complaints regarding code of ethics violations through effective legal channels. Fourth, increasing transparency in the process of handling code of ethics violations, including by publishing an annual report on violations and sanctions imposed on Polri members found to have violated the code of ethics.

By implementing this restructuring model, it is hoped that the Polri code of ethics can become a more effective instrument in protecting human rights, enhancing the professionalism of police officers, and building public trust in the police institution as a law enforcement institution with integrity and a focus on justice.

Conclusion

The investigation revealed that there are still several issues with the National Police's code of ethics, particularly in ensuring human rights protection during the examination of suspects. Although normatively regulated in Chief of Police Regulation Number 7 of 2022, weak oversight mechanisms, ineffective sanctions, and the continued prevalence of torture and procedural violations indicate an urgent need for code of ethics reform. To guarantee that every suspect examination procedure is carried out in compliance with the principles of due process of law, nondiscrimination, and the prohibition of torture as specified in Article 28G of the 1945 Constitution, Law Number 39 of 1999 concerning Human Rights, and international standards like the UN Code of Conduct for Law Enforcement Officials, the National Police must restructure its code of ethics.

To strengthen human rights protection during suspect examinations, the National Police's code of ethics needs to be revised, with an emphasis on prohibiting violence and strengthening accountability mechanisms. Furthermore, it is necessary to increase the capacity of police officers through ongoing training on human rights principles and professional ethical standards to ensure they are more professional in carrying out their duties. The role of external oversight bodies such as the National Commission on Human Rights (Komnas HAM), the Indonesian Ombudsman, and civil society must also be strengthened to ensure transparency and compliance with the applicable code of ethics. With these steps, it is hoped that the National Police code of ethics can become a more effective instrument in upholding justice and protecting the rights of suspects in Indonesia's criminal justice system.

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