

**REVIEW OF LEGAL PROFESSIONAL ETHICS TOWARDS INVESTIGATORS  
IN THE CRIMINAL CASE OF FOUR STUDENTS REFUSING OMNIBUS LAW**

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**ABSTRACT:** The way investigators handled students who were involved in the demonstration to ratify the Job Creation Act did not reflect the slogan of "protecting, nurturing, and serving the community" carried by the institution. Instead of fostering and protecting the future of students, the police criminalize them. The police arrested students and students who opposed the job creation law in a number of areas last week. The police accused them of being anarchist. The police also threatened to include the status of law violators so that they would not issue a police record certificate (SKCK). Student involvement in demonstrations is not a criminal act. Moreover, students' and students' criticism of the Job Creation Act is actually a reaction to the inherent defects of the omnibus law. Not only is its preparation not transparent, the substance of the universal sweeping law also harms workers and threatens the environment. The case of students who are victims of criminalization for refusing the Omnibus Law is still continuing its legal process to this day. However, the trial which is supposed to be the place to seek justice is run very subjectively and full of flaws. This further confirms that no violation of Professional Ethics conducted by investigators to the students repellent Omnibus.

**Keywords:** Investigator, Professional Ethics, Criminalization

## **INTRODUCTION**

Based on the code of conduct set forth in Law No. 8 Principles of staffing, that the code of conduct is a guideline in the act and behave behavior and actions in carrying out tasks and work through written provisions. This professional ethics applies to all existing professions, especially the legal profession. The legal profession is an activity or work related to efforts to realize and maintain public order in order to create justice in accordance with the objectives of the law. Professions engaged in law are authorized by law to be able to provide professional services to the entire community based on existing regulations. To improve professionalism, a legal profession is able to enforce the law without violating the professional code of ethics. The code of ethics of the legal profession must discuss the obligations and obligations to carry out their profession responsibly for actions without violating the rights of others. The relationship

between the two is very close, where there is a code of ethics in the legal profession, the public will feel a guarantee of protection and feel that the law belongs to them because of the protection and sense of justice provided by the legal profession.

One of them is the relationship between the code of ethics and the police. Police is one of the professions in the field of law and law enforcement that handles order and security in society. This profession is regulated in Law Number 2 of 2002 concerning the Police Article 2 which reads: "The State Police of the Republic of Indonesia aims to realize domestic security and order in order to provide protection, protection, and service to the community as well as the establishment of peace by upholding human rights. people in society." In certain conditions, the police occupy a strategic position in determining a good judicial mechanism because their relationship with suspects will be the key to the law enforcement process. However, the police often violate the police code of ethics in handling a dispute. One of them is in the case of the 2019 student movement and the criminalization of students who reject the Omnibus Law. This became a polemic in the community, so there was a clash between the masses and the police who secured the incident. Surprisingly, the demands made by the masses were intimidated by the police, who tried to prevent clashes between the two parties. As a result, several police officers were involved in violence.

Several student victims of the criminalization of those who resisted the Omnibus Law have experienced various forms of torture and abuse from the police investigators since the examination. Based on statements from IRF and NAA brothers as victims of criminalization, various tortures carried out by police officers included kicking, beatings on the head, and also being stepped on the neck until the victim had difficulty breathing. Not only were they directly tortured, the students who were victims of criminalization were verbally abused by the Semarang Police, namely with insults and insults such as "dog", "asu", and many other harsh words. The actions carried out by the police officers are a form of violation of the Regulation of the Chief of the Indonesian National Police Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the Indonesian National Police.

The students who rejected the Omnibus Law clearly did not get justice and were even treated in a discriminatory manner. Whereas article 27 paragraph (1) of the constitution stipulates that "all citizens have the same position in law and government and are obliged to uphold the law and government with no exceptions". Article 27 paragraph (1) is the legitimacy of the implementation of equality before the law which means that every citizen must be treated equally before the law without any form of discrimination and while maintaining the protection of human rights. The violent actions shown by the police, the indictments that do not fulfill the

material truth and the trials that tend to be manipulated, have seriously injured the principle of equality before the law as well as the protection, respect and fulfillment of human rights.

## **DISCUSSION**

### **A. The Role of Ethics in the Legal Profession**

Ethics is one of the concepts about the good and bad behavior of a person. One aspect that is highlighted by ethics is the behavior or actions of a person in a position and in his field of expertise which is called a profession. Professional ethics is an ethical attitude as an integral part of the attitude of life in living life as a professional bearer. So in this perspective, adherence to professional ethics will depend on the morals of the profession concerned.

In terms of its relation to the legal profession, ethics and the legal profession have a close relationship with each other. As previously explained, professional ethics is an attitude of life, in the form of a willingness to provide professional services, which in this case is in the field of law. The current legal professions include judges, prosecutors, police, advocates, notaries and various elements of agencies authorized by law. For someone who has a profession in the field of law, in carrying out his professional function that person is given signs consisting of legal signs (laws) as well as signs of professional ethics and morals (professional code of ethics). So that the responsibility of the profession in the implementation of the profession includes legal responsibility and moral responsibility.

One of the five biggest problems faced in the legal profession is the abuse of the legal profession. Many people who work in the field of law actually use their professional status to create personal or group benefits. Such as making the legal profession as a field of money or for political purposes. So it is not surprising that the reflection of law enforcement today is carried out brutally. Because law enforcement has shifted from justice to income. Thus, public services provided by legal professionals have changed from ethical to business nature.

Whereas the legal profession is one of the professions that demands the fulfillment of moral values from its bearers. Moral values are the forces that direct and underlie noble actions. Franz Magnis Suseno suggests five ethical criteria and moral values that must be strong that underlie the personality of legal professionals.

1) Honesty

Honesty is the main basis. Without honesty, legal professionals will deny the mission of their profession, so they will be hypocritical, cunning and full of deceit.

2) Authentic

Authentic means living and showing oneself in accordance with the authenticity, the real personality.

- 3) Responsible  
In carrying out their duties, legal professionals must be responsible.
- 4) Moral Independence Moral  
Independence means not easily influenced or not easy to follow the moral views that occur around him, but form judgments and have their own stand. being morally independent means that it cannot be bought by the majority opinion, is not influenced by considerations of profit and loss (self-interest), adjustment to decency and religious values.
- 5) Moral Courage Moral  
Courage is loyalty to the voice of conscience which states a willingness to bear the risk of conflict.

The concrete manifestation of a professional ethic is the implementation of guidelines or behavioral guidelines that have been outlined by a code of ethics in the profession. The concrete manifestation of legal ethics is when law enforcers really maintain integrity in carrying out their profession as law enforcers. The main benchmark for being the organizer of the legal profession in enforcing the law lies in the independence of the professional organizer. Because law enforcement actually demands an attitude of integrity and high morality. Therefore, professional ethics is a sign that serves as a protector in the development of the legal profession. The existence of legal professional ethics is intended so that law enforcers do not abuse their profession. The ethics of the legal profession actually provides boundaries and guidelines so that deviations in the legal profession can be avoided.

### **B. Facts about the Criminal Cases of Four Students Rejecting Omnibus Law**

rejection of the Omnibus Law by the mass student action led to the silencing, criminalization, and imprisonment of four students who were suspected by law enforcement officers who were involved in cases of rioting and destruction of public facilities during the protest action. Omnibus Law in front of the Central Java DPRD Office. The case of the four students had the initials IG, MA, IR, and NA. It was stated by the Public Prosecutor (JPU) that the defendant's actions were subject to article 406 paragraph 1, article 170 paragraph 1, article 212, and article 216 paragraph 1 of the Criminal Code. The incident further indicated that what the four students experienced and accepted was a form of silence and the death of democracy on independence, freedom of opinion, and academics.

Since they were still in the examination stage, student victims of the criminalization of those who refused the Omnibus Law had experienced various forms of torture and ill-treatment by police investigators. The forms of torture received by the student included beatings on the head, being kicked, being stepped on the neck until it was difficult to breathe, and verbal abuse was directed at the student. The 1945 Constitution as the highest basic foundation of the

Indonesian state has given guarantees to its citizens to be free from torture as carried out by police investigators to these students including the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on a retroactive basis are human rights that cannot be reduced under any circumstances.

Basically, the National Police of the Republic of Indonesia in carrying out its duties and authorities, always acts based on legal and norms, religious norms, decency, morality, and upholds human rights. This is as regulated in Article 19 of Law no. 2 of 2002 concerning the Indonesian National Police. It is also regulated in Article 10 of the Regulation of the Head of the Indonesian National Police No. 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in Performing the Duties of the Indonesian National Police which explains that it is not permissible to use violence, unless it is necessary to prevent crime, to assist in the arrest of lawbreakers or suspects in accordance with the regulations on the use of force. Our country's law already regulates freedom of opinion, which is contained in Article 28 E paragraph (3) of the 1945 Constitution which reads "Everyone has the right to freedom of association, assembly and expression". Furthermore, the matter of freedom of association and assembly, expressing ideas orally and in writing has also been stipulated by law. This is stated in the provisions of Article 23 paragraph (2) of Law Number 39 of 1999 concerning Human Rights which reads "Everyone is free to have, issue and disseminate opinions according to his conscience, orally and or in writing through print and electronic media with taking into account religious values, morality, order, public interest, and the integrity of the state". It should also be noted that in exercising their rights and freedoms, everyone is obliged to submit to and comply with the limitations contained in the law to ensure the recognition of the rights and freedoms of others.

Students of democracy fighters who reject the Omnibus Law are not criminals, but they are democracy fighters who are currently being criminalized with fabricated cases both by the Police and from the Public Prosecutor (JPU) as evidenced by a series of irregularities starting from the stage of examination to the stage of investigation. the indictment made by the public prosecutor does not reflect an objective indictment and even justifies any means to fulfill the intended elements.

## CONCLUSION

The professional code of ethics is a norm that is set and accepted by a group of professions that directs or gives instructions to its members how to create and at the same time guarantee the quality of the profession in the eyes of the public. The focus of attention is on the police code of ethics, the prosecutor's code of ethics, the judge's code of ethics, the lawyer's code of ethics, and

the notary code of ethics. These are all codes of ethics for the legal profession, also known as Professional Legal Ethic Since they were still in the examination stage, student victims of the criminalization of those who refused the Omnibus Law had experienced various forms of torture and ill-treatment by police investigators. The forms of torture received by the student included beatings on the head, being kicked, being stepped on the neck until it was difficult to breathe, and verbal abuse was directed at the student. The 1945 Constitution as the highest basic foundation of the Indonesian state has given guarantees to its citizens to be free from torture as carried out by police investigators to these students including the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law are human rights that cannot be reduced under any circumstances. and the actions carried out by the investigator are actually a form of violation of the Regulation of the Chief of the Indonesian National Police Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the Indonesian National Police which prohibits the implementation of police duties by force, including conducting examinations. However, in addition to violating the juridical regulations, the investigator's actions are also not justified in the perspective of legal professional ethics. The justice to be sought through law enforcement cannot be achieved without respect for human values. In this case, investigators seem to stutter to understand that before the law, humans must be humanized and their rights respected, meaning that in law enforcement humans must be respected as dignified individuals.

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