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## **An Analysis of Negligence Committed by Members of the Indonesian National Police (POLRI) in a Criminal Case: A Case Study of Decision Number 55/Pid.B/2024/PN Plk**

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**Abstract:** Police officers' culpa in carrying out their duties has a serious impact on the justice system and the accountability of the police institution. This study analyzes the case of Decision No. 55/Pid.B/2024/PN Plk to evaluate the legal process in dealing with the culpa of officers that led to death and serious injury. The results showed that the lenient verdict against the defendant did not reflect substantive justice and created a crisis of public confidence in the legal system. Lack of transparency in investigations and weak regulations on the use of force in the police force exacerbate this situation. Inequality in law enforcement between officers and civilians exacerbates injustice in the criminal justice system. In recent years, a number of cases involving members of the police as perpetrators of crimes, especially those related to violence, have reduced the positive image of the police in the eyes of the public. One of the most prominent cases was a shooting committed by a police officer in Palangkaraya, Central Kalimantan, which involved culpa and abuse of authority. From 2023 to 2025, two shooting incidents involving members of the National Police occurred in this region, with most of the victims being civilians. These cases illustrate not only individual errors in the performance of duties, but also weaknesses in POLRI's internal control system. These shootings by police officers raise questions about causal factors, such as culpa in supervision, abuse of authority, mental health problems, and inability to manage emotions under pressure. Therefore, reforms in oversight mechanisms, increased transparency in the judiciary, and strengthened regulations related to police accountability are needed to ensure fairer law enforcement. In addition, protection for victims must be strengthened so that justice is not only oriented towards the perpetrators but also towards the rights of victims and their families. Legal reforms should include improvements to police operational standards so that the use of force remains in accordance with the principles of human rights and the rule of law. These reforms are expected to make the criminal justice system more effective in enforcing the law fairly and increase public confidence in the police institution.

**Keyword:** Culpa , Police Accountability, Law Enforcement.

## INTRODUCTION

The Indonesian National Police (POLRI) is a law enforcement institution with a primary role in maintaining public order and security and providing protection and services to the community. The core functions of POLRI, as stipulated in Article 13 of Law Number 2 of 2002 on the Indonesian National Police, include the maintenance of public security and order, law enforcement, and providing protection, guidance, and services to the public. In carrying out its duties, POLRI possesses broad authority, including using force under specific circumstances, as regulated under Chief of Police Regulation 1 of 2009 concerning the Use of Force in Police Actions. However, such authority must be exercised under the principles of legality, necessity, proportionality, general obligation, and accountability to prevent misuse of force that may result in human rights violations and diminished public trust in the police institution (Saputra et al., 2023).

Public trust in the police institution is highly dependent on the professionalism and integrity of POLRI personnel in executing their duties as law enforcers. Between 2023 and 2025, several incidents involving police officers—particularly cases of violence and abuse of authority—significantly eroded the positive image of POLRI in the public eye (Suprayitno & Widiastuti, 2023). One prominent case involved a police shooting in Palangkaraya, Central Kalimantan, which raised serious concerns over negligence and misuse of authority by police personnel.

Criminal acts involving police members have become a major concern, as they reflect weaknesses in internal oversight and a lack of professionalism in the performance of police duties. A concrete example is the case recorded in Court Decision Number 55/Pid.B/2024/PN Plk, involving Iptu Anang Tri Wahyu Widodo, a member of the Mobile Brigade (Brimob) Unit of the Central Kalimantan Regional Police. The defendant was charged with excessive use of force during the dispersal of a public demonstration by residents of Bangkal Village, Seruyan Regency, Central Kalimantan. Due to his negligence in identifying the ammunition used, one civilian, Gijik, was fatally shot with live ammunition, and another victim, Taufik Nur Rahman, suffered permanent injuries (Rizali, 2024).

In the judicial process, the defendant was charged under Article 351 paragraph (3) of the Indonesian Penal Code (KUHP) concerning assault resulting in death, Article 359 of the Penal Code concerning negligence causing death, and Article 360 paragraph (1) of the Penal Code concerning negligence resulting in serious injury. The sentence handed down to the defendant was ten months' imprisonment—a verdict widely criticized as too lenient given the gravity of the consequences arising from his negligence. The decision sparked criticism from various parties, including human rights organizations and the victims' families, who argued that the judicial system continues to allow impunity for police officers who commit serious violations. The criticism was further reinforced by allegations of procedural misconduct during the legal process, such as the destruction of evidence, conflicts of interest in the defendant's legal defence, and the omission of premeditated murder charges from the indictment (Azra et al., 2024).

This case reveals fundamental challenges in the enforcement of law against members of the Indonesian National Police (POLRI), particularly in the aspects of accountability and transparency (Hasibuan, 2023). According to Chief of Police Regulation No. 8 of 2009 concerning implementing Human Rights Principles and Standards in Police Duties, every police action must observe the principles of necessity, proportionality, and accountability. However, in this case, those principles appear to have been disregarded. The actions of the police in dispersing the crowd not only exceeded the bounds of lawful authority but also indicated a lack of professionalism and violations of Standard Operating Procedures (SOP) in crowd control operations (Toha, 2024).

Furthermore, in the context of police law, the Code of Professional Ethics of the Indonesian National Police, as regulated under Chief of Police Regulation No. 7 of 2022,

affirms that all POLRI members are obliged to perform their duties with honesty, responsibility, professionalism, and respect for the law and human rights. Nevertheless, this case demonstrates a clear discrepancy between field practices and established normative standards. The use of firearms in managing demonstrations should have referred to Chief of Police Regulation No. 1 of 2009, which stipulates that repressive measures may only be taken under urgent circumstances and must avoid causing fatalities (Pradana, 2024). The use of an AK-101 long-barreled firearm loaded with live ammunition from a distance of nearly 100 meters against civilians in a situation that could have been resolved peacefully constitutes a clear abuse of authority and serious negligence in police operational procedures.

Such negligence also has broader implications for public trust in the POLRI institution. Studies have shown that the rising number of ethical and criminal violations by police personnel has led to a decline in institutional legitimacy and credibility in the eyes of the public (Dewa et al., 2023). From the perspective of criminal law, the negligence of a police officer resulting in the loss of human life ought to be grounds for more stringent legal accountability—both through the general judicial system and internal disciplinary or ethical mechanisms within POLRI (SriwidodoJoko, 2019). However, in this case, the imposition of a relatively lenient sentence and the lack of transparency in the investigation process further reinforce the perception that law enforcement officers frequently receive preferential treatment within the justice system (Sahala, 2024).

The broader implications of this case may also be associated with the ongoing agrarian conflicts in Indonesia, where clashes between indigenous communities and plantation corporations are frequently met with repressive responses from security forces. In the case of Bangkal Village, the demonstration conducted by residents was a protest against PT Hamparan Masawit Bangun Persada's failure to fulfil its longstanding promise to allocate plasma land since 2007. This situation illustrates that structural conflicts over land rights and ownership often result in human rights violations caused by excessive force by police officers (B. Indonesia, 2023). Therefore, beyond reforming internal oversight mechanisms within POLRI, there is an urgent need for a legal approach that more effectively upholds substantive justice for communities affected by agrarian conflicts.

Efforts at mediation continued, including a meeting held in Jakarta on 29 September 2023, in which community representatives met with Roby Zulkarnain, a representative of PT Best Group. After submitting its demand for 1,175 hectares of land, the company requested additional time to convey the demand to its owner. Despite multiple rounds of mediation, no agreement was reached between the company and the affected community (Bangkal, 2023). The conflict escalated on 7 October 2023, when residents of Bangkal Village staged another demonstration against PT HMBP 1 (B. Indonesia, 2023). This protest resulted in a violent clash between demonstrators and police officers. In an attempt to disperse the crowd, police deployed various crowd-control weapons, including tear gas, rubber bullets, and blanks. However, outside standard operational procedures, the defendant, First Inspector (Iptu) Anang Tri Wahyu Widodo, discharged a long-barreled AK-101 rifle loaded with live ammunition from a distance of approximately 96 meters. The shot fatally struck a civilian named Gijik, penetrating his chest, and seriously injured another protester, Taufiknurhaman.

Following the incident, at least 20 residents were arrested by the police. This tragedy caused fear and anxiety among residents of Bangkal Village and further deteriorated relations between the community and law enforcement authorities (C. Indonesia, 2023). The case attracted public attention, including from various human rights organizations such as the National Commission on Human Rights (Komnas HAM), which launched an investigation into the incident. Legal proceedings against Iptu Anang Tri Wahyu Widodo commenced with his arrest and designation as a suspect. The public prosecutor charged him with primary charge one, Article 351(3) of the Indonesian Penal Code (KUHP), for assault resulting in death; subsidiary charge, Article 359 KUHP for negligence resulting in death; and charge two, primary

Article 351(2) KUHP for assault causing serious injury; and subsidiary, Article 360(1) KUHP for negligence resulting in serious bodily harm.

During the trial, several alarming facts emerged, including that the defendant was carrying three types of magazines, one of which contained live ammunition—suggesting premeditation. Additionally, an audio recording captured a police command to "aim for the head" just before shots were fired. Nevertheless, the prosecutor did not include premeditated murder (Article 340 KUHP) in the indictment. Numerous irregularities further marred the judicial process. The Advocacy Team for Solidarity with the Bangkal Indigenous Community identified several concerns: the defendant's legal counsel was provided by the Legal Division of the Central Kalimantan Regional Police, raising a conflict of interest; forensic evidence such as blood samples was compromised due to improper handling by investigators; and the deployment of Gegana (elite police units) in response to a peaceful demonstration constituted excessive use of force (ID, 2024).

In June 2024, the Palangkaraya District Court sentenced Iptu Anang Tri Wahyu Widodo to 10 months in prison—a punishment significantly lighter than the one-year sentence sought by the public prosecutor. The verdict provoked strong reactions from the victims' families and human rights activists, who viewed the sentence as unjust and indicative of systemic efforts to shield the defendant. The court also dismissed the victims' restitution claim of Rp 2.2 billion, further fueling negative public perception of the judiciary (Bangkal, 2024). The advocacy team subsequently urged the prosecutor's office to appeal the lenient verdict and demanded further investigation into other police officers involved.

The case also raised concerns regarding transparency in judicial proceedings. The Central Kalimantan Regional Police was reported to the Ombudsman for alleged maladministration in disclosing case information related to Gijik's shooting (Trisnawati, 2024). The victim's family and residents encountered difficulties in accessing information about the investigation and legal process, reinforcing the perception that transparency is lacking when police officers are the subjects of legal scrutiny. The Bangkal tragedy manifests long-standing agrarian conflicts in Indonesia and the inability of relevant actors to resolve such disputes justly and comprehensively. In this case, the conflict concerns land ownership and management and implicates Indigenous rights, unfulfilled corporate commitments, and the state's capacity to protect its citizens. The failure to manage the conflict prudently led to the loss of life and deepened public distrust toward the justice system and law enforcement institutions (Ilchi et al., 2022).

The Bangkal case is a critical lesson on properly handling agrarian conflicts. Repressive approaches and excessive force have failed to resolve the problem, worsened the situation, and generated more complex legal and social issues. To address such conflicts in the future, a more comprehensive, participatory, and justice-oriented approach is needed, emphasizing dialogue, mediation, and respect for the rights of local communities. The shooting incident in Bangkal also highlights the urgent need for reform within the police institution, particularly regarding the use of force and mechanisms for accountability. The use of live ammunition against peaceful demonstrators constitutes a grave violation of the principles of proportionality and precaution, which must be central to any crowd control operation. Therefore, systematic efforts are required to strengthen training, internal supervision, and disciplinary enforcement within the police force to prevent the recurrence of such incidents.

Based on the established focus of study, this research raises two principal research questions that form the foundation of the analysis. First, how is the legal enforcement process carried out in response to a criminal offense resulting from negligence committed by a member of the Indonesian National Police (POLRI), as reflected in the case decision Number 55/Pid.B/2024/PN Plk? This question seeks to systematically examine the legal stages undertaken in the case, including investigation, prosecution, trial proceedings, and sentencing,

as well as to assess the extent to which the principles of criminal law and criminal procedure have been applied fairly and transparently. Second, whether the element of negligence committed by a POLRI officer has influenced the course of legal proceedings in the case. In this regard, the research aims to evaluate whether such negligence by an officer entrusted with special authority affects the legal process, particularly in relation to evidentiary assessment, judicial reasoning, and the severity of sanctions imposed. These two questions are expected to contribute to a critical understanding of accountability dynamics within law enforcement institutions, especially in the context of criminal proceedings involving members of the police force.

## METHOD

The research method employed in this study is the empirical juridical method. This legal research approach examines written legal norms (*das sollen*) and analyzes how such laws are implemented in practice (*das sein*). This approach allows the researcher to evaluate the gap between normative legal provisions and their actual enforcement (Disemadi, 2022). Within this framework, the study focuses on analyzing a criminal case involving a member of the Indonesian National Police (POLRI), specifically the negligence committed by First Inspector (Iptu) Anang Tri Wahyu Widodo in a case registered under Decision Number 55/Pid.B/2024/PN Plk of the Palangkaraya District Court.

The sources of data in this research consist of primary legal materials such as court decisions, provisions of the Indonesian Penal Code (KUHP), and internal police regulations, including Chief of Police Regulation No. 1 of 2009 on the Use of Force and Chief of Police Regulation No. 8 of 2009 on the Implementation of Human Rights Principles in Police Duties. In addition, secondary legal materials such as legal doctrines, academic journal articles, investigative news reports, and reports from independent institutions like the National Commission on Human Rights (Komnas HAM) are also used as references. Empirical data collection is conducted through the documentation of court proceedings, community advocacy reports, and findings from relevant human rights investigations.

Data analysis uses a descriptive-analytical method describing the legal facts that occurred and correlating them with the applicable legal norms (Weissinger, 2019). Through this method, the study aims to provide a comprehensive understanding of the dynamics of law enforcement in cases involving police officers and to assess the extent to which police negligence affects the effectiveness and fairness of the criminal justice system in Indonesia. The findings of this research are expected to contribute to the strengthening of internal accountability mechanisms within the police force and to the formulation of policies that are more responsive to the protection of civil rights.

## RESULTS AND DISCUSSION

### Law Enforcement Process Against Negligence Crimes Committed by Police Officers

Law enforcement against criminal acts committed by members of the Indonesian National Police (POLRI) presents specific challenges, particularly in cases of negligence that result in death or severe injury. In Indonesian criminal law, negligent acts causing death or serious injury are regulated under Article 359 of the Criminal Code (KUHP) (for negligence causing death) and Article 360 paragraph (1) of the Criminal Code (for negligence causing serious injury). In the context of the Police, negligence that results in death or serious injury has legal consequences and implicates ethical standards and the accountability of the Police institution. According to Article 13 of Law No. 2 of 2002 on the Indonesian National Police, the primary duties of POLRI include maintaining public security and order, law enforcement, protection, service, and community guidance. Therefore, when a POLRI officer commits negligence in carrying out their duties, they are individually responsible in the criminal justice system and



accountable for disciplinary actions and professional ethics as stipulated in the Chief of Police Regulation No. 7 of 2022 on the Code of Ethics of POLRI.

In Case Number 55/Pid.B/2024/PN Plk, the defendant, Iptu Anang Tri Wahyu Widodo, was charged under Article 351 paragraph (3) of the Criminal Code, Article 359 of the Criminal Code, and Article 360 paragraph (1) of the Criminal Code for negligence that caused the death of one civilian and serious injury to another. The Police's handling of the demonstration should have adhered to the Chief of Police Regulation No. 1 of 2009 on the Use of Force in Police Actions, which requires the principles of legality, necessity, proportionality, public duty, and accountability. However, in this case, these principles were disregarded, as the use of live ammunition in crowd control should only have been applied in genuine emergencies and should not have been used indiscriminately. Furthermore, the law enforcement process against POLRI members is often confronted with conflicts of interest, as investigations, prosecution, and legal defence are conducted by the Police institution itself. In this case, the defendant was represented by legal counsel from the Legal Division of the Central Kalimantan Regional Police, raising concerns about the lack of independence in the legal process (Kontras, 2024). This strengthens the suspicion that the judicial system provides excessive protection to police officers facing legal issues.

In Case Number 55/Pid.B/2024/PN Plk, the panel of judges sentenced Iptu Anang Tri Wahyu Widodo to 10 months in prison for his negligence in using a firearm. This verdict has been criticized as not reflecting the principle of substantive justice, given the impact of the defendant's actions that resulted in the loss of life and severe injury to another victim. In its consideration, the court referred to the fact that the defendant did not intentionally use live ammunition and that the incident occurred in the context of securing a violent demonstration. However, from the perspective of criminal law, negligence does not absolve a person of criminal liability, particularly when it results in fatal consequences. Article 359 of the Criminal Code explicitly states that anyone who causes the death of another person through negligence may be subject to criminal punishment. Therefore, the argument that the defendant's unintentional actions should not have been a valid reason to reduce the sentence significantly.

Additionally, the principle of equality before the law should be applied objectively in the criminal justice system (Apriani et al., 2024). However, in this case, the sentence imposed was much lighter compared to similar cases involving civilians. This highlights the potential for impunity within the judicial system, where police officers who commit violations often receive lighter penalties compared to civilians involved in similar cases (Sahala, 2024). Compared to cases of negligence involving civilians, the sentence in this case is significantly lighter and does not reflect the justice that should be upheld. In the context of police law, the defendant's actions also violated the Chief of Police Regulation No. 8 of 2009 on the Implementation of Human Rights (HR) Principles and Standards in Police Duties, which emphasizes that the use of force by police officers must be proportional, accountable, and based on the protection of human rights. The use of live ammunition against civilian crowds, which should have been managed through negotiation and more humane crowd control methods, demonstrates a serious violation of police operational standards. Between 2023 and 2025, two shootings involving POLRI officers occurred in this region, with most of the victims being civilians. These cases reflect individual mistakes in carrying out duties and highlight weaknesses in the POLRI's internal oversight system.

One example is the incident on November 27, 2024, in which Brigadier Anton Kurniawan Setianto (AKS), a member of the Palangka Raya Police, together with a ride-hailing driver identified as HA, committed a criminal act that led to the death of a civilian from Banjarmasin, Budiman Arisandi (BA). The incident began when AKS and HA approached BA at KM 39 Jalan Tjilik Riwt, Palangkaraya, and invited him to get into a car driven by HA. During the journey, AKS allegedly shot BA twice, resulting in the victim's death. AKS and HA then disposed of the victim's body in a plantation area in Bukit Batu Village, Katingan Regency, and

took the victim's car. As a result of their actions, AKS was charged with Article 338 in conjunction with Article 55, paragraph (1) item 1 of the Criminal Code concerning murder and complicity in committing a crime. Additionally, AKS was charged under Article 365, paragraph 4 of the Criminal Code, regarding robbery with violence causing death. He faces the death penalty, life imprisonment, or a maximum of 20 years in prison (Rengganis, 2024).

Another critique of this judgment pertains to the lack of restitution or compensation for the victim's family. In various cases involving criminal acts due to negligence between 2023 and 2025, if reports about incidents of shootings involving civilians are not updated or processed further by the authorities, such data may be considered stagnant. Courts often take into account aspects of damages or restitution for the victims and their families. However, in this ruling, there is no indication that the Panel of Judges considered the rights of the victim's family to receive compensation for the loss and psychological impact caused. Based on an analysis of this ruling, several recommendations can be proposed to improve the law enforcement system in similar cases, including:

1. Strengthen the mechanism for independent oversight of criminal cases involving members of the Indonesian National Police (POLRI) so that the judicial process is transparent and accountable.
2. Review the standards for using force in police actions, particularly in crowd control situations, to prevent the misuse of force resulting in fatal consequences.
3. Enforcing equality before the law ensures that police officers who commit criminal acts are not given special treatment or impunity.
4. Ensure restitution for the victim's family, financial compensation, and access to justice through a legal mechanism favouring the victim.

In this regard, the evaluation and improvement of the law enforcement system are expected to ensure that similar cases in the future can be handled more professionally, transparently, and justly. This is also crucial in restoring public trust in the Police institution as law enforcers are tasked with protecting society under the mandate of Law No. 2 of 2002 on the Indonesian National Police

### **The Impact of Police Officers' Negligence on the Law Enforcement Process**

The negligence committed by police officers in carrying out their duties has significant consequences on the law enforcement process. In the case of Decision No. 55/Pid.B/2024/PN Plk, the negligence of the defendant, Police Inspector Anang Tri Wahyu Widodo, not only resulted in a loss of life but also raised various issues within the criminal justice system. The primary impacts of this negligence include the hindrance of the investigation process, lack of transparency, and diminished accountability of the police institution in enforcing the law.

One of the major consequences of this negligence is the disruption of investigative independence. In the criminal justice system, investigation is a crucial phase in collecting evidence, clarifying events, and determining the offender's legal responsibility. However, in this case, the investigation faced several obstacles, including potential conflicts of interest, as the police officers were from the same institution as the defendant. This contradicts Article 6, paragraph (1) of the Criminal Procedure Code (KUHP), which mandates that investigations be conducted independently and objectively.

Furthermore, the negligence in the crowd control procedures also impacted the validity of the evidence collected during the investigation. In this case, there are indications that some pieces of evidence, such as the recording of the "target the head" order and the condition of the bullets used, were not handled according to proper forensic standards, raising concerns about an attempt to obscure the legal facts (Bangkal, 2024). This undermines public trust in the investigation system, which should be based on the principles of justice and transparency. From the perspective of police law, this negligence also contradicts Police Chief Regulation No. 8 of 2009 on the Implementation of Human Rights (HR) Principles and Standards in Police Duties,

which requires every police officer to act professionally, respect human rights, and prioritize a proportional approach when handling legal events. In this case, the defendant's actions indicate an abuse of authority, where the use of live ammunition in crowd control was not in line with established operational procedures (Hasibuan, 2023).

Another impact resulting from the negligence of the police officer is the lack of accountability in the criminal justice system. The verdict handed down to the defendant, which was 10 months in prison, is considered too lenient in comparison to the consequences caused. In criminal law, substantive justice should be the basis for determining punishment, as stipulated in Article 359 of the Penal Code, which states that anyone whose negligence causes the death of another may be subject to a commensurate punishment (Purnama, 2018). However, in this case, the judge appeared to give more weight to the subjective factors of the defendant without considering the impact on the victim and their family (Sahala, 2024). In addition to the light sentence, the lack of a decision on restitution or compensation for the victim's family indicates that the law enforcement system still fails to address the rights of victims adequately. In more advanced legal systems, restitution is a part of the effort to restore justice for crime victims. Law No. 31 of 2014 on Witness and Victim Protection has provided a compensation mechanism for crime victims who suffer significant losses as a result of the perpetrator's actions. However, in this judgment, this aspect was not considered by the panel of judges, and as a result, the victim's family did not receive the justice they were entitled to.

In addition to affecting the individuals involved in this case, the negligence of the police officer also has a wider impact on the legitimacy of the police institution. This case further strengthens the perception that the legal system tends to offer protection to police officers who commit violations, leading to a crisis of public trust. Previous studies have shown that when law enforcement officers are not accountable for handling cases involving their personnel, public trust in the police declines drastically (Iwansyah & Hoesein, 2025). This can provoke civil disobedience, where the public loses faith in the law and prefers to seek justice through non-formal channels, such as mass protests or political pressure.

To mitigate the negative impact caused by police officers' negligence on the investigation and law enforcement processes, immediate steps must be taken to strengthen the independent oversight mechanisms in investigations involving police officers and to prevent conflicts of interest in evidence collection and processing. Additionally, enhancing transparency in investigations involving police officers is urgent, involving external bodies such as the National Police Commission (Kompolnas) and the National Human Rights Commission (Komnas HAM). Reforms in police operational standards for using force should also be revisited, particularly in crowd control situations, to prevent violations of procedures leading to repressive actions. The verdict that imposed a light sentence on the police officer found guilty of committing a criminal offence needs to be reevaluated, considering the principle of justice for the victim. Moreover, mechanisms for granting restitution to victims or their families in cases of negligence leading to loss of life or serious injury should be mandated, as the Witness and Victim Protection Law provides. Thus, through improvements in the investigation and law enforcement system, it is hoped that similar cases will not recur, and the accountability of the police in carrying out their duties can be further strengthened. Reforms in oversight mechanisms and increased transparency are crucial steps to ensure that law enforcement is not merely a formality but is genuinely oriented toward substantive justice that protects the rights of victims and society.

### **Social Impact**

The negligence committed by members of the Indonesian National Police (POLRI) in performing their duties impacts legal aspects and generates wide-ranging social consequences. One of the most evident social impacts is the increasing public distrust of police institutions. In the case of Decision No. 55/Pid.B/2024/PN Plk, the negligence that resulted in the death of one



citizen and serious injury to another sparked a negative reaction from the public, particularly due to the sentence imposed on the defendant being perceived as too lenient in comparison to the consequences caused. Public trust in law enforcement institutions is fundamental to the democratic system and the rule of law. When the public perceives that the police cannot hold their actions accountable fairly and transparently, the legitimacy of POLRI as the institution tasked with protecting and serving the public is called into question. This situation is exacerbated by numerous similar cases that reveal a pattern of impunity for law enforcement officers who commit violations, leading to dissatisfaction and fostering social tension between the public and law enforcement officials.

Another social impact is the increased potential for conflict between the public and police officers. In various cases, the excessive use of force by police officers in handling demonstrations has led to dissatisfaction, which escalates into further protests and, in some situations, may develop into social unrest. In the context of the Bangkal Village case, the use of firearms with live ammunition against demonstrators not only resulted in fatalities but also worsened the relationship between the public and the police. Such incidents can heighten social tensions and widen the gap between civilians and law enforcement officers, who are supposed to protect the public. If this distrust persists, in the long term, it may hinder the effectiveness of the police in performing their duties, as the public becomes unwilling to cooperate with the authorities in law enforcement efforts.

Furthermore, the social impact of this case also includes the growing sense of injustice within society. When a civilian commits a criminal act resulting in death, the penalty imposed is often much heavier compared to the punishment received by law enforcement officers committing similar actions in their capacity as enforcers of the law. This disparity in treatment reinforces the perception that the law is not applied fairly and tends to favour state officials. In a healthy legal system, the principle of equality before the law should be the primary foundation of any court decision. However, in this case, the lenient sentence given to the defendant only further strengthens the public's mistrust of the criminal justice system in Indonesia.

### **Economic Impact**

In addition to its social impact, the negligence of POLRI officers in this case also carries significant economic consequences. One of the most apparent economic impacts is the financial burden borne by the victim's family. In this case, the victim suffered the loss of life and permanent injuries, which undoubtedly resulted in the loss of income potential for the surviving family members. Law No. 31 of 2014 on the Protection of Witnesses and Victims does establish a compensation mechanism for victims of criminal acts. However, in this decision, the issue of compensation for the victim was not a primary consideration for the Court. Consequently, the victim's family is left to bear the economic loss caused by the death of a family member who was the primary breadwinner.

Another economic impact is the disruption of economic activities in the community due to the social instability triggered by this incident. In many cases, clashes between the public and law enforcement officers, resulting from repressive actions, can lead to disruptions in economic activities on a local and national scale. Communities that have lost trust in law enforcement tend to be reluctant to engage in economic activities involving interactions with authorities. Furthermore, businesses near the incident site often suffer losses due to the instability that follows such incidents. This situation impacts local businesses and may reduce investment interest in areas considered prone to conflict between the public and law enforcement officials.

Moreover, the economic impact can also be felt by the Police institution itself. When cases of officer negligence attract public attention, the Police institution often has to allocate additional funds to conduct internal investigations, retrain its members, and run programs to

restore public trust. These expenditures ultimately burden the state budget, which could otherwise be allocated to more productive programs benefiting the broader public.

### **Impact on Human Rights**

One of the most crucial impacts of the negligence of POLRI officers in this case is the violation of Human Rights (HR). The right to life is a fundamental right guaranteed by various international and national legal instruments, including Article 28A of the 1945 Constitution of the Republic of Indonesia and Article 3 of the Universal Declaration of Human Rights (UDHR). In this case, the actions of the defendant that led to the loss of life constitute a violation of the right to life, which the state should protect. In addition to the right to life, this case also reflects a violation of the right to fair treatment in the judicial system. As previously mentioned, the sentence handed down to the defendant is considered not to reflect the principle of substantive justice. In the human rights (HR) context, justice means punishing the perpetrator and restoring the rights of the victim and their family. In this case, the lack of compensation for the victim's family further highlights the fact that the criminal justice system still does not fully protect the rights of victims.

Another violation of Human Rights (HR) that arises from this case is the excessive use of force in handling mass actions. According to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the use of firearms by law enforcement is only permitted when there is a direct threat to life, and even in such a situation, the use of force must remain proportional. In this case, the use of live ammunition against demonstrators violates this principle. It represents a serious breach of the right to peacefully express one's opinion, which is guaranteed under Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

This case is a stark example of how much work remains to be done to improve Indonesia's legal system and human rights protection. Reforms in the oversight mechanisms for law enforcement, increased transparency in the judicial system, and strengthening protection mechanisms for victims must become priorities to build a more just legal system oriented towards protecting Human Rights (HR) for all citizens.

### **Evaluation and Recommendations**

The evaluation of the handling of the negligence case of POLRI officers in Decision No. 55/Pid.B/2024/PN Plk indicates that there are still weaknesses in the criminal justice system and police accountability mechanisms. One aspect that needs to be evaluated is how the judicial system treats law enforcement officers who commit criminal acts due to negligence in their duties. The sentence of only 10 months imprisonment for the defendant raises many questions regarding the proportionality of the punishment and justice for the victim. In the criminal justice system, punishment must be commensurate with the level of fault and the consequences caused. According to Article 359 of the Criminal Code (KUHP), a person who, due to negligence, causes death may be sentenced to a criminal penalty. However, in practice, penalties imposed on law enforcement officers are often lighter compared to similar cases involving civilians. This indicates the potential for impunity in the judicial system, which needs to be addressed.

Another evaluation concerns the independence and transparency of the investigation process. In this case, the defendant received legal assistance from internal POLRI legal advisors, which raises questions about the objectivity of the judicial process. Additionally, the investigation conducted against police officers is often less transparent, leading to the perception that there is an effort to protect the perpetrator. Under Article 6, paragraph (1) of the Criminal Procedure Code (KUHAP), investigations must be conducted independently and not influenced by institutional interests. Therefore, evaluating the investigation and internal oversight mechanisms within POLRI is crucial to prevent similar incidents in the future.

Furthermore, the oversight system regarding the use of force by law enforcement officers needs to be strengthened. According to the National Police Regulation No. 1 of 2009 on the Use of Force in Police Actions, every repressive action must be carried out with legality, necessity, and proportionality principles. However, in this case, the use of live ammunition in controlling a mass action did not comply with the standard operating procedures, indicating negligence in the application of these regulations. Reforms in training mechanisms and oversight of the use of force by POLRI officers must be prioritized to prevent similar actions in the future.

Based on this evaluation, several recommendations can be made to improve the law enforcement and accountability system within POLRI. First, an independent oversight mechanism for cases involving law enforcement officers is necessary. The National Police Commission (Kompolnas) and the National Commission on Human Rights (Komnas HAM) should be more active in overseeing such cases to ensure that the investigation and judicial processes are more transparent and objective. Second, revisions to regulations concerning the standards for using force in police actions are urgent. POLRI needs to tighten regulations regarding the use of firearms in crowd control and ensure that every officer receives adequate training to prevent negligence that could lead to fatal consequences.

Another recommendation is to increase transparency within the judicial system. Trials involving law enforcement officers must be more open and involve public participation to avoid any loopholes for impunity. The judicial system must also ensure that every ruling reflects the principle of substantive justice, ensuring no differential treatment between law enforcement officers and civilians in criminal acts due to negligence. Lastly, ensuring that the rights of victims and their families receive adequate attention is crucial. In many cases involving law enforcement officers, victims' rights are often overlooked, so the compensation mechanisms for victims, as regulated in Law No. 31 of 2014 on Witness and Victim Protection, must be strengthened.

In this context, reforms in the law enforcement and police accountability systems are expected to prevent similar cases and restore public trust in the police institution. Reforms that include improvements in investigation mechanisms, transparency in judicial processes, and strengthening oversight of the use of force by law enforcement officers are essential steps in creating a more just and accountable legal system

## CONCLUSION

The law enforcement process concerning the police officers' negligence in this case faces several obstacles, particularly related to the independence of the investigation, transparency, and accountability. Negligence that leads to death or serious injury requires more stringent legal enforcement. However, in this case, there are deficiencies in the implementation of substantive justice principles, both in the sentencing and in the treatment of the culpable police officers. This reflects an excessive level of protection for law enforcement officers within the criminal justice system, reducing the effectiveness of legal enforcement and creating injustice. The impact of the negligence committed by the police officers also affects the law enforcement process, particularly concerning transparency and accountability. This negligence worsens the independence of the investigation and weakens accountability in the judicial process. The use of live ammunition, which was disproportionate in controlling the mass demonstration, sets a bad precedent for police conduct. Furthermore, the sentence handed down to the defendant is seen as not reflecting substantive justice, as it is too lenient considering the impact caused. The absence of restitution for the victim also highlights a gap in justice restoration, which should be part of a fair and victim-oriented judicial process.

To address these issues, several corrective measures should be taken. First, strengthening independent oversight of cases involving police officers is crucial to ensure that the judicial process proceeds objectively and fairly. Stricter oversight can prevent conflicts of interest in

investigations and enhance transparency in legal proceedings, which will, in turn, restore public trust in the justice system. Second, it is necessary to review and enforce the standard operating procedures for the use of force by law enforcement, especially in crowd control situations. The use of force that is proportional and in line with human rights principles must be enforced to avoid abuse of authority. This will ensure that police actions remain humane and in accordance with applicable laws, thus creating a more just and accountable legal system.

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