

Reconstruction Of The Classification Of Police Ethical Violations: A Constitutional Analysis Of The Amounts Of Article 17 of Perpol 7/2022

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ABSTRACT

This study aims to analyze the juridical problems related to the vagueness of violation classification parameters in Article 17 of Police Regulation Number 7 of 2022. The vagueness of norms regarding the criteria of intentionality and personal interest, which have gained public attention and impacted society, creates immeasurable discretionary space during the case title case stage. This situation potentially infringes upon the constitutional rights of Indonesian National Police members to obtain fair legal certainty, as mandated by Article 28D Paragraph 1 of the 1945 Constitution. Using a normative juridical research method, this paper examines the urgency of standardizing violation parameters to avoid maladministration in the disciplinary process. The research results indicate that without rigid boundaries in Article 17, the imposition of Dishonorable Discharge sanctions becomes vulnerable to lawsuits in the State Administrative Court due to perceptions of abuse of authority triggered by classification errors. Therefore, regulatory reconstruction is essential to ensure justice for Indonesian National Police members as legal subjects.

Keywords: Constitutional Rights, Police Regulation Number 7 of 2022, Normative Ambiguity, PTDH

INTRODUCTION

Indonesia, as a nation based on the rule of law, as stipulated in Article 1 Paragraph (3) of the 1945 Constitution, requires legal certainty for every citizen, including every member of the Indonesian National Police undergoing internal legal proceedings. This constitutional guarantee requires that any regulations relating to restrictions on a person's rights, particularly those related to work and livelihood, be formulated based on clear parameters and not open to multiple interpretations. However, the current existence of Article 17 of Police Regulation Number 7 of 2022 presents a major challenge to the guarantee of these rights due to its vague, cumulative-alternative classification criteria. Without objective standardization, members of the Indonesian National Police are vulnerable to subjective sanctions that depend on the institution's unilateral interpretation at the case presentation stage. This obscures the essence of ethical justice, which should be based on the values of justice and the protection of human dignity.

The main problem arises in the formulation of Article 17, which uses flexible terms such as "impacting society" or "of public concern" without clear quantitative limitations. In practice, in trials of the Indonesian National Police Code of Ethics Commission (KKEP), disparities in decisions are often found, where similar actions are given different sanctions due to the

flexibility of the interpretation of the "personal interest" criterion between the moderate and severe categories. This uncertainty raises concerns about the systematic abuse of authority by those in command in determining the gradation of a member of the Indonesian National Police's culpability. As a result, the principle of *nemo iudex in causa sua* is difficult to uphold because the institution acts as the sole determinant of violation classification without a transparent and accountable control mechanism. Therefore, standardization of procedures and materials in determining the classification of ethical violations is an absolute requirement for realizing substantive justice.

To date, internal reform efforts in the Indonesian National Police (Polri) have resulted in various regulations, but the aspect of independence in determining the criteria for errors remains a legal loophole that often triggers administrative disputes. The weak mapping of criteria in Article 17 Paragraphs (1), (2), and (3) has the potential to produce State Administrative Decisions (KTUN) that are substantively flawed and severely detrimental to the constitutional rights of Polri members. Based on this phenomenon, this journal will focus on the reconstruction of violation classifications to ensure optimal protection of the constitutional rights of every Polri member. This focus was chosen because it differs from general studies that only discuss formal administrative procedures without touching on the essence of material justice related to error parameters. Through this critical analysis, it is hoped that an ideal formulation can be found that can balance organizational discipline with the protection of basic rights for each personnel. Based on this, this research focuses on analyzing the implications of the vague norms for classification of violations in Article 17 of Perpol Number 7 of 2022 on the fulfillment of the constitutional rights of Polri members. Furthermore, this study aims to formulate an ideal construction of regulations for the classification of Polri ethical violations to ensure legal certainty and avoid maladministration in PTDH decisions.

Theoretically, this research is expected to contribute to the development of legal science, particularly constitutional law and state administration, regarding the protection of human rights within the police force. It also serves as an academic reference regarding the effectiveness of internal regulations within a constitutional framework. Practically, the results of this study are intended to serve as evaluation material for the Indonesian National Police (Polri) in revising derivative regulations to better ensure legal certainty, while also educating Polri members about their constitutional rights. Furthermore, for legal practitioners, this research can serve as a reference in formulating legal arguments regarding disputes over dismissals of Polri members in the State Administrative Court.

RESEARCH METHODS

This research method is a normative research method, namely research in the form of an inventory of applicable legislation, in the form of an inventory of the principles or philosophical basis of said legislation, or research in the form of an effort to discover laws that are appropriate to a particular case.¹The main focus is to analyze the inconsistencies and ambiguities of norms in Article 17 of Police Regulation Number 7 of 2022. The approach used in this study is a

¹Bahder Johan Nasution, *Legal research methods*, Bandung: Mandar Maju, 2016, p. 86.

normative legal approach.²The approaches used in this research are the Statute Approach and the Conceptual Approach. Furthermore, this study also observes the trends in judicial practices within the State Administrative Court regarding disputes regarding Dishonorable Discharges (PTDH) of Indonesian National Police members.

The data used is secondary data consisting of primary legal materials, namely the 1945 Constitution, Law No. 2 of 2002, and Perpol No. 7 of 2022. And secondary legal materials, all publications on law that are unofficial documents. These publications consist of (a) textbooks discussing one and / or several legal issues, (b) legal dictionaries, (c) legal journals, (d) judges' comments on judges' decisions. These publications are instructions or explanations regarding primary legal materials.³ Data Collection and Analysis Techniques Data were collected through library research by selecting relevant literature. Data analysis was conducted qualitatively using a deductive method, namely drawing conclusions from general statements (constitutional norms) to specific statements.

DISCUSSION

The Concept of the Rule of Law and Constitutional Rights in the Indonesian Legal System

The idea, ideal, or concept of a state based on law, besides being related to the concept of *rechtsstaat* and the rule of law, is also related to the concept of *nomocracy* which comes from the words *nomos* and *cratos*. The word *nomocracy* can be compared to *demos* and *cratos* or *kratien* in democracy. *Nomos* means norm, while *cratos* is power. The use of the term "state based on law" which is a translation of the term "*rechtsstaat*" is very popular in Indonesian literature. However, after the amendment to the 1945 Constitution, the term "*rechtsstaat*" no longer exists, and it is simply stated that Indonesia is a state based on law. Sunaryati Hartono uses the term "state based on law" as the same as the rule of law: in order to create a state based on law that brings justice to all the people. The enforcement of the rule of law must be material.⁴ Philipus M. Hadjon, argues that the concept of a state based on law is considered influential, and each concept has different characters and characteristics from one another. In *Rechtsstaat*, it is a concept known in the Netherlands, *The Rule of Law*, a concept known in Anglo-Saxon countries such as England and the United States, *Socialist Legality*, which is adopted by communist countries, *State of Law Pancasila*, a concept of a state based on law based on *Pancasila* in Indonesia, *Islamic Nomocracy*⁵.

The concept of a state based on the rule of law, according to Dicey, contains 3 (three) elements, namely: 1) Human rights guaranteed by law; 2) Equality before the law; and 3) Supremacy of legal rules and no arbitrariness without clear rules.⁶ Meanwhile, according to Immanuel Kant

²Soerjono Soekanto and Sri Mahmudji, *Normative Legal Research, A Brief Review*, Raja Grafindo Persada, Jakarta, 2003, p. 13.

³Marzuki Mahmud P, *Legal Research*, Kencana, Jakarta, 2010, p.155.

⁴Sunaryati Hartono, *What is the Rule of Law?* Bandung: Alumni, 1976, p. 35.

⁵Philipus M. Hadjon, *Legal Protection for the People in Indonesia*, PT. Bina Ilmu, Surabaya, 1987, pp. 71-

⁶Jimly Asshiddiqie, *The Constitution and Constitutionalism of Indonesia*, Jakarta, Sinar Grafika, 2010, p. 130.

and Julius Stahl, a state based on law contains 4 (four) elements, namely: 1) Recognition of human rights; 2) Separation of powers to guarantee these rights; 3) Government based on regulations (*wetmatigheid van bestuur*); and 4) The existence of state administrative courts.⁷ Jimly Asshiddiqie divides the principles of the Indonesian rule of law into 12 types: 1) Supremacy of law; 2) Equality before the law; 3) Principle of legality; 4) Limitation of power; 5) State organs; 6) Independent and impartial judiciary; 7) State administrative courts; 8) State constitutional courts; 9) Protection of human rights; 10) Democratic in nature; 11) Functioning as a means of realizing the goals of the state; 12) Transparency and social control⁸.

According to Prof. Jimly Asshiddiqie, constitutional rights are rights guaranteed in and by the 1945 Constitution (UUD). The guarantee of these rights is stated either explicitly or implicitly. This right is a form of legal protection from actions that may be carried out by holders of state administrative power in the relationship between the state and citizens. Constitutional rights can be interpreted as human rights that have been expressly stated in the 1945 Constitution, so that they have also officially become the constitutional rights of every citizen.⁹

As holders of supreme sovereignty, citizens have constitutional rights enshrined in the 1945 Constitution. Constitutional rights differ from human rights, which are still largely universal. These rights are listed in Articles 27, 28, 29, 32, and 34, namely:

1. Have the right to equal standing before the law and government and are obliged to uphold the law and government without exception;
2. Every citizen has the right and obligation to participate in efforts to defend the country;
3. Everyone has the right to live and to defend his life and livelihood;
4. Every child has the right to survive, grow and develop and has the right to protection from violence and discrimination;
5. Every person has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law;
6. The protection, promotion, enforcement and fulfillment of human rights is the responsibility of the state, especially the government;
7. In order to uphold and protect human rights in accordance with the principles of a democratic state based on law, the implementation of human rights is guaranteed, regulated and set out in laws and regulations;
8. Everyone is obliged to respect the human rights of others in orderly life in society, nation and state;
9. The poor and neglected children are cared for by the state;
10. The state is responsible for providing adequate health care facilities and public service facilities.¹⁰

⁷Maidin Gultom. "Legal Aid as a State Obligation to Fulfill the Constitutional Rights of the Poor." *Constitutional Journal*, Volume 11, Number 2, 2014. P. 234.

⁸Jimly Asshiddiqie, *loc.cit.*

⁹Jimly Asshiddiqie, *loc.cit.*

¹⁰Dian Kuspratiwi, Dessy Ariani and Despan Heryansyah, "Introducing Citizens' Constitutional Rights in Schools", *JAMALI* Volume 01, Issue 01, 2019, pp. 27-29

Dishonorable Dismissal (PTDH)

Police officers who violate their professional code of ethics will never be free from the consequences of their actions. The role of the Professional and Security Agency (Propam) is crucial in enforcing the Police's professional code of ethics. Non-permanent dismissal (PTDH) for police officers is regulated by Police Regulation (Perpol) Number 7 of 2022 concerning the Professional Code of Ethics and the Ethics Commission of the Indonesian National Police. This Perpol was enacted on June 14, 2022, and was ratified into law on June 15, 2022. Non-permanent dismissal (PTDH) is the termination of a police officer's service period by an authorized official for certain reasons.¹¹ The PTDH process for members of the Indonesian National Police, which is carried out through a series of fair and transparent trial stages, and ends with the imposition of punishment appropriate to the violation committed, is a mechanism carried out in an effort to maintain and preserve the integrity and professionalism of the Police institution.¹²

In carrying out their duties, police officers are certainly not immune from individuals who commit violations, ranging from minor to serious. Regulations regarding violations and their sanctions are stipulated in National Police Chief Regulation Number 7 of 2022 concerning the Police Professional Code of Ethics. Police officers who commit violations will be subject to sanctions ranging from verbal and written apologies to dishonorable discharge (PTDH). Violators of the Code of Ethics who commit administrative violations that may be subject to PTDH include:

- i A prison sentence based on a court decision that has unlimited legal force and in the opinion of the authorized official, cannot be detained by the police;
- ii Providing false or incorrect information when registering as a police candidate;
- iii Carrying out efforts or actions that are clearly aimed at changing Pancasila, participating in movements or carrying out actions aimed at the Indonesian state and/or government;
- iv Violation of the oath/pledge of Polri members, oath/oath of service and/or Polri professional code of ethics;
- v Committing acts and behavior that could be detrimental to the police (negligence, repeated indecent acts, disciplinary violations in front of the public).

Because this sanction results in the loss of a person's employment rights, the formulation of norms that form the basis for evaluating errors in these internal regulations plays a very crucial role in determining whether a dismissal decision is valid or not.

The Right to Fair Legal Certainty in the Process of PTDH for Police Members

¹¹Ahmad Haidir Harahap, thesis: "Implementation of Police Regulation Number 7 of 2022 Concerning Dishonorable Discharge (Ptdh) of Police Members Who Violate the Police Professional Code of Ethics (Kepp) at the Medan Police Headquarters", (Medan: Medan Area University, 2024).

¹²Anto Junardi; Baso Madiung & Abd Haris Hamid. Dishonorable Discharge of Members of the Republic of Indonesia Police at the Central Mamuju Police Resort. Indonesian Journal of Legality of Law, Volume 7 (2): 154-159, June 2025, Page 157.

The constitutional right to obtain fair legal certainty and equal treatment before the law is a universal human right which is expressly guaranteed in Article 28D Paragraph (1) of the 1945 Constitution.¹³ From the perspective of constitutional law, this constitutional guarantee binds all state organs, including the Indonesian National Police (Polri) as a state apparatus in the field of law enforcement to subject all forms of its internal regulations to the principle of constitutionalism.¹⁴ Therefore, Article 17 of Police Regulation Number 7 of 2022, which contains the classification of ethical violations, should be designed to reflect a guarantee of legal certainty that protects the dignity of personnel from potential arbitrary command authority. However, the absence of an Article-by-Article Explanation or an authentic Attachment in this Police Regulation gives rise to constitutional problems in the form of extreme normative ambiguity. Without rigid boundaries, the formulation of Article 17's norms shifts from an ethics enforcement instrument to an elastic rule, where every member's actions can easily be classified as a serious violation to facilitate the imposition of a Dishonorable Dismissal (PTDH) sanction.

In the doctrine of constitutional law, the PTDH sanction is not merely a matter of pure administrative service, but rather a state action that revokes the constitutional rights of citizens to work and a decent living for humanity as mandated in Article 27 Paragraph (2) of the 1945 Constitution.¹⁵ The revocation of constitutional rights is only legally valid if it is based on fair and transparent law enforcement procedures (due process of law). However, the use of the phrase "and/or" in Article 17 Paragraph (1) letters b and c is often used as normative justification by those in command to cut short personnel development stages. As a result, the constitutional rights of Polri members to defend themselves properly are reduced in order to pursue repressive organizational efficiency. This action of cutting back on the right to defend oneself is a form of ignoring the principle of procedural due process, which is a key pillar in a democratic state based on the rule of law.¹⁶

A constitutional analysis of the hierarchy of errors reveals a clear inconsistency in the division of normative structures. The classification of minor violations in Article 17 Paragraph (1) letter a, which uses the general criterion of "negligence," is proven to overlap with the realm of ordinary discipline. This unclear interpretation places members who commit minor errors in a vulnerable position of losing career security due to ethical sanctions. This unstable condition of norms is even worse in the categories of moderate and serious violations. Article 17 Paragraph (2) letter b classifies "personal interests" as a moderate violation, but this element is unilaterally shifted to a serious violation in Paragraph (3) letter a if it is committed "intentionally." Considering that almost all ethical violations theoretically contain an element of intent, this biased limitation provides a "blank check" for the commission panel in case presentations to distribute severe sanctions based on the subjectivity of institutional interests.

The most fatal point of constitutional injury lies in Article 17 Paragraph (3) letter d, which adopts the variable "becoming a public concern" as one of the indicators of serious violations

¹³Jimly Asshiddiqie, Location Cit

¹⁴Dian Kuspratiwi et al., Op. Cit, p. 27.

¹⁵Maidin Gultom, Loc. Cit.

¹⁶Ahmad Haidir Harahap, Op.Cit., p. 92

that result in PTDH. Viewed from the principles of the constitution, this variable harms the independence of the judicial mechanism and negates the right of the person being examined to obtain an objective assessment that is independent from external pressure. Social media and public opinion are not positive legal instruments recognized in proving guilt. Imposing constitutional sanctions in the form of revocation of the right to work simply because of the fulfillment of mass virality (trial by press) is a clear form of submission of the supremacy of law to the supremacy of opinion.

Reconstruction Of Article 17 Of Police Regulation Number 7 Of 2022 Within The Framework Of Constitutionalism And The Principle Of Fair Trial

Considering the various substantive weaknesses in the structure of the sanctions distribution norms above, steps to improve internal police regulations must not be postponed any longer. The formulation of Article 17 Paragraphs (1), (2), and (3) of Police Regulation Number 7 of 2022 has been proven to contain inherent flaws in the form of overlapping criteria for "intentional" and "personal interest." When the Provision in Paragraph (2) letter b classifies personal interest as a moderate violation, this element is instantly shifted to a serious violation in Paragraph (3) letter a simply because it is attached to the phrase "if done intentionally." Considering that almost all groups of violations of official ethics theoretically involve elements of inner intent and intention, the line between the moderate and serious categories becomes very biased. From the perspective of constitutional law, this ambiguity resembles giving the ethics commission panel a "blank check" to interpret norms subjectively and impose the institution's pragmatic will at the case presentation stage, which results in ignoring the principle of legality.¹⁷.

This instability of norms is exacerbated by limited access to legal assistance for those questioned who wish to challenge the biased classification of articles from the initial examination stage. Legal counsel from within the institution is often trapped in a conflict of interest dilemma due to the shackles of the command hierarchy. As a result, they lack sufficient independent standing to challenge unilateral classifications regarding the criteria of "impact on the institution" or "malicious conspiracy" as stipulated in Article 17. Therefore, the lack of a clear distinction between the categories of moderate and serious violations results in the imposition of Dishonorable Dismissal (PTDH) sanctions often not meeting the principle of proportionality.¹⁸.

The lack of external oversight and the fragility of internal evaluation standards in consistently implementing Article 17 have direct implications for the emergence of sharp legal disparities at the regional police level. Analysis of various personnel disputes in the Jambi jurisdiction shows that many police personnel won lawsuits in the State Administrative Court (PTUN) because the panel of judges deemed the ethics commission failed to prove a material correlation between the violation criteria and the real facts in court. Theoretically, in the discourse of state administrative law, every decision by a public official that limits or revokes the constitutional

¹⁷Philipus M. Hadjon, Loc. cit.

¹⁸Anto Junardi, Baso Madiung, and Abd Haris Hamid, Op. Cit, Hal. 158.

rights of citizens must be based on a clear legal basis to avoid abuse of authority (*detournement de pouvoir*). Without rigid standardization of indicators in determining the gradation of error, this internal case review process carries a high risk of producing State Administrative Decisions (KTUN) that are flawed from the very beginning because they do not meet the principle of accuracy.

The impact of the structural failure and unclear norms in Police Regulation Number 7 of 2022 is not limited to textual-juridical issues, but has systemic implications as a constitutional defect that harms human rights. The PTDH sanction decision, born from the womb of multi-interpretive normative interpretations at the case presentation stage, not only punishes individuals professionally by revoking their official status, but also directly impacts the fulfillment of the right to a decent life for members and their families. This action massively and immediately cripples the economic resilience of personnel's families. The constitutional rights of police members to maintain employment and a decent livelihood should be protected through a transparent legal process, in which all aggravating and forgiving variables are objectively considered within the corridor of due process of law.

To address these structural failures, the idea of Reconstructing the Classification of Violations based on the value of fair legal certainty through 3 (three) pillars of regulatory reform: First, the normative structure of Article 17 must be deconstructed by dividing the classification gradation based on rigid behavioral indicators. The category of "Minor Violations" must be limited to purely administrative negligence in official duties that do not cause material or physical harm to third parties, with a maximum sanction of a warning or temporary dismissal from duty. The category of "Moderate Violations" is intended for acts containing elements of conflict of interest or personal gain but do not violate material criminal law, with sanctions of demotion or postponement of rank. The category of "Serious Violations" must be strictly limited only to actions that fulfill criminal elements that have been proven through a court decision that has permanent legal force (*inkracht*), or real actions that betray the state ideology, which is the only door to the imposition of PTDH sanctions. Second, the codification of the Authentic Explanation Attachment must be prepared in writing to eliminate the vague nature of norms. The phrase "of public concern" must be defined quantitatively and correlatively, for example, only if the act directly paralyzes the police's public service function in the relevant jurisdiction, so that not every viral ripple on social media can be used as a basis for arbitrary dismissal. Third, restructuring access to independent defense must be opened by granting the examinee the absolute right to appoint external legal counsel and to present legal experts from universities outside the National Police institution in KKEP trials. This step is crucial for a balanced debate on the classification of the article proposed by the Propam Accreditation and Examination.

The constitutional rights of police officers to maintain employment and a decent living should be protected through a transparent legal process, in which all aggravating and exculpatory factors are objectively considered. Therefore, the urgency of reconstructing Article 17 of Police Regulation No. 7 of 2022 is not merely a matter of improving purely administrative police documents, but rather a fundamental and ideological effort to align internal police regulations

with the values of constitutionalism and the rule of law upheld by the Unitary State of the Republic of Indonesia.

This research method is a normative research method, namely research in the form of an inventory of applicable legislation, in the form of an inventory of the principles or philosophical basis of said legislation, or research in the form of an effort to discover laws that are appropriate to a particular case.¹⁹The main focus is analyzing the inconsistencies and ambiguities in Article 17 of Police Regulation Number 7 of 2022.

The approach used in this research is a normative juridical approach.²⁰ The approaches used in this study are the Statute Approach and the Conceptual Approach. In addition, this study also observes the tendency of judicial practices within the scope of the State Administrative Court regarding the Dishonorable Dismissal (PTDH) dispute of members of the Indonesian National Police. The data used are secondary data consisting of primary legal materials, namely, the 1945 Constitution, Law No. 2 of 2002, and Perpol No. 7 of 2022. And secondary legal materials, all publications on law which are unofficial documents. These publications consist of (a) textbooks discussing one and / or several legal issues, (b) legal dictionaries, (c) legal journals, (d) judges' comments on judges' decisions. This publication is a guide or explanation of primary legal materials.²¹ Data Collection and Analysis Techniques Data were collected through library research by selecting relevant literature. Data analysis was conducted qualitatively using a deductive method, namely drawing conclusions from general statements (constitutional norms) to specific statements.

CONCLUSION

Based on the explanation in the discussion above, the following conclusions can be drawn:

1. The formulation of the Classification of Ethical Violations norm in Article 17 of Police Regulation Number 7 of 2022 contains inherent defects in the form of vagueness and overlapping norms (overlapping criteria), especially in the attachment of the elements of "intentional" and "personal interest" between moderate and serious violations. The absence of a rigid, authentic explanation regarding the limits of behavioral impacts, criminal conspiracy, and the indicator of "becoming a public concern" has triggered the birth of absolute, unmeasured discretion (blank check) at the case title stage. The legal implication of this norm instability is the birth of State Administrative Decisions (KTUN) in the form of PTDH sanctions that are flawed from the mind (defect of logic), imprecise, and disproportionate, thus systematically injuring the constitutional rights of Polri members to fair legal certainty as guaranteed in Article 28D Paragraph (1) of the 1945 Constitution.
2. The internal adjudication mechanism of the Indonesian National Police Code of Ethics Commission (KKEP) currently does not reflect the ideal function of checks and balances due to the shackles of command authority that closes the space for independence of

¹⁹Bahder Johan Nasution, *Legal research methods*, Bandung: Mandar Maju, 2016, p. 86.

²⁰Soerjono Soekanto and Sri Mahmudji, *Normative Legal Research, A Brief Review*, Raja Grafindo Persada, Jakarta, 2003, p. 13.

²¹Marzuki Mahmud P, *Legal Research*, Kencana, Jakarta, 2010, p.155.

internal legal counsel. The impact of this accumulated structural failure not only harms the validity of the legal products of the police state administration as evidenced by the frequent annulment of PTDH decisions by the Jambi PTUN Panel of Judges but also has a socio-economic impact in the form of massive and immediate paralysis of the economic resilience of personnel's families due to the legal process of imposing sanctions that is not transparent and impartial.

LIMITATION

This study has several limitations, including: First, limited access to primary data in the form of minutes or minutes of the Case Briefing Meeting at the National Police Code of Ethics Commission (KKEP) hearing. Given the closed nature of the case briefing process and its institutional confidentiality, the researcher was unable to empirically examine the dynamics of the internal debate on the interpretation of Article 17 of Police Regulation Number 7 of 2022. This limitation resulted in the research findings regarding abuse of authority (*détournement de pouvoir*) relying primarily on secondary document analysis in the form of dispute files at the State Administrative Court (PTUN), reflecting the failure of interpretation at the first instance.

Second The object of study in this research includes several cases that are currently still in the process of litigation (*sub judice*) and do not yet have permanent legal force (*inkracht van gewijsde*). This affects the research findings in terms of the final validity of the PTDH decisions being studied. The researcher realizes that the possibility of changes to the verdict at the cassation level can provide a different legal perspective. Third, this research uses a juridical-normative approach that focuses on text analysis and the constitutionality of norms. Therefore, this research does not cover sociological or psychological factors that might influence the objectivity of the Code of Ethics Commission Council in determining the gradation of sanctions. Nevertheless, this limitation remains relevant to the research objective, which from the outset was directed at reconstructing the structure of norms to ensure legal certainty, not at dissecting the social behavior of legal subjects.

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