Law Enforcement Against Members of The Indonesian National Police Commit Crimes

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ABSTRACT

The piling up of tasks for police officers is due to the increasing number of new problems that have emerged in the urban community, also having an impact on classic and unfinished problems that must continue to be handled by the police as the authorized party to be neglected, including a number of obligations in maintaining public order on classic issues that should have been completed. But in fact, they were only obscured and seemed to be in order, even though the proverb for reporting missing goats and even missing cows was still ongoing, so this study aims to detect types of violations by members of the police, which include: crime and law enforcement efforts. This study uses empirical normative legal research methods. The results of this study indicate that the types of criminal offenses committed by members of the police are very diverse and increasingly ignore the various laws that have regulated the obligations of the police, who act as members of the community and law enforcement. The type of violation that is quite prominent is a violation committed due to unprofessionalism in handling cases, and this action can no longer be viewed as a violation. In fact, it has been seen as a crime in carrying out its duties and authorities. The incident repeated and became more blatant because there is still a system and other structure that lives in the system and structure of police members, namely those who have not acted according to procedures in carrying out their duties, professional ethics of law enforcement, and other violations of law in carrying out their duties.

Keywords: Violation; Criminal Offense; Police; Law Enforcer;

Date of Submission: August 17, 2022
Date of Publication: October 19, 2022

DOI: http://dx.doi.org/10.56087/substantivejustice.v5i2.194

INTRODUCTION

The National Police of the Republic of Indonesia is and will always be a state instrument that plays a role in maintaining public security and order, enforcing the law, and protecting, serving, and protecting the community in the context of maintaining domestic security. (Yulihastin & Furi, 2008) (Blomberg, 2016) When carrying out their function as law enforcement officers, the police law enforcers must adhere to and carry out the legal principles that form the basis or basis for carrying out their duties, namely: (1) Legality Principle, in carrying out their duties and authorities as law enforcers are obliged to obey the law, (Lathif, 2019) (2) The principle of
obligation for the police is the police's obligation to deal with problems in society that are discretionary, because they have not been regulated by law. (Ketut & Adnyani, 2021) (3) The principle of participation, the police always try to secure the community environment, and the police coordinate the security of Swakarsa to realize legal compliance among the community. (4) The preventive principle is the concept of police action that prioritizes preventive action rather than repressive action against the community. (5) Subsidiarity principle, which is to carry out the duties of other agencies so as not to cause more significant problems before being handled by the agency in charge.

Law in Indonesia has regulated in a Law Number 2 of 2002 concerning the Police of the Republic of Indonesia and has fully and coherently regulated the duties and authorities of the police, but the police in carrying out their duties are not easy because they have to deal with various problems that arise in the community. Various problems in modern society are increasingly burdening law enforcement officers when compared to 2 decades ago, now there is an increase in the burden of the police in maintaining public order and giving various impacts on their behavior on duty. (Nurhasanah, 2021) so that they are often seen as unprofessional in carrying out their duties run errands. (Nawawi, 2010) (Braga et al., 2019) However, it is not only seen as unprofessional because sometimes there are irregularities committed by some police officers in carrying out their duties, (Kitchens et al., 2019) this behavior sometimes causes an unfriendly response from some circles of society, of course this is suspected by the integrity that does not belong to that person. (Martha & Hutahaean, 2013) Therefore, understanding the existence of the police cannot be separated from the function of the police organ or their institution.

Deviations committed by unscrupulous members of the police can be in the form of violations of the code of ethics or criminal violations. Deviant behavior by police officers in the form of violations of the code of ethics is a violation of the disciplinary rules of members that have been regulated by law in Indonesia. Several forms of irregularities or violations by unscrupulous members of the police are often reported in various mass media, among others, cases of misuse of guns or firearms, (Juliyanto, 2011) were proven to be involved in criminal acts, one of which was the case of the premeditated murder of one of the honorary officers of the Makassar City Transportation Service Institution, or the crime of mistreatment of students during rallies or demonstrations, (Lesmana & Sari, 2020) or acts of persecution against journalists who are carrying out their journalistic duties. (Wibowo & Persada, 2021) The results of researchers’ observations on social media, mass media, and public communication discourse directly hypothesize that the reality of the behavior of unscrupulous individuals often causes negative responses from the community in the research area. So, it is a sign that efforts to enforce a professional code of ethics are needed for officials to realize professional behavior in carrying out their duties. Unprofessional actions or behavior will significantly affect law enforcement or
Law Enforcement Against... disclosure of crimes in the community. (Peribadi & Patuju, 2017) The slogan that is often found against this institution is that the police report the loss of goats and even cows go missing also, (Setya, 2016) is an disappoint expression that is often proven in the community as evidence that these law enforcement officers ignore the code of ethics in carrying out their duties and functions.

The current phenomenon is that people are shocked by the news of police killing police, this case is currently ongoing and involves some police generals. (Catherine, 2022) The law enforcement process for this case has been carried out internally and externally. It has been impressive and indiscriminate in law enforcement within the Indonesian police institution, examining allegations of violations of the code of ethics by a special team formed by the Head of the Indonesian National Police, with the hope that the public can see the law enforcement is carried out in a fair, accountable and open manner in informing the ongoing process. This phenomenon illustrates that if officers do not work professionally, they can injure anyone, not only civilians but also include the police organization itself. (Islam, 2016) Previous research revealed that violence was carried out by investigators as an effort to obtain information from suspects and ignored the rights of suspects, this study revealed violent behavior by investigators as perpetrators of untouchable violence, minimal morality that triggered violations of the code of ethics, and this is one of the problems by the Indonesian National Police. (Raharjo & Angkasa, 2011) (Hidayat, 2017)

The results of empirical research in the West Sumatra Regional Police revealed that in law enforcement against officers caught in an unregistered marriage, the implementation of a disciplinary hearing resulted in a decision with the permanent legal force which imposed a penalty in the form of delaying the proposed periodic salary increase for one year. (Oktoriny, 2019) In other places, law enforcement is also carried out against police officers who abuse narcotics. Strict action is taken by giving more severe punishments to law enforcers because they should play a role in eradicating the circulation and abuse of narcotics according to the orders of the positions they carry. (Widodo, 2018) Along with this, it was stated in other research results that there is a process of enforcing the police professional code of ethics against members of the police who are entangled in criminal cases of narcotics abuse, in fact it has not been carried out properly where the police do not immediately take firm action against members who are entangled in criminal cases of narcotics abuse, as if the police are still protecting their members and are considered after the members have been tried in the general court and found guilty of committing a narcotic crime. (Dewangga, 2014)

Illegal levies are generally carried out by unscrupulous employees of an agency and even by unscrupulous officers, including police officers. Police officers who are tasked with protecting and protecting the community should not commit illegal levies because it is a deviant act committed by members of the police, which will undoubtedly cause problems and unrest in the community, so law enforcement is appropriate for individuals who are proven to be threatened...
with punishment as regulated in the Indonesian Book of Criminal Law Act. (Budihartawan et al., 2020) (Fadhil, 2020)

The Police of the Republic of Indonesia are always expected to be order maintenance, peacekeeping officials and public servants. The police are authorized by law to use force if they are forced to with the aim of saving and controlling the community. This authority is only operationalized in a limited manner, so police professional ethics are expected to prevent police officers from acting emotionally, as well as being objective in acting. Police organizations, like organizations in general, have ethics that indicate the need to behave in accordance with regulations and expectations that require discipline in carrying out their duties according to the mission they carry. Orderly and carrying out tasks according to the objectives, roles, functions, authorities, and responsibilities in which they are assigned and all for the sake of the community, not the opposite behavior that can damage the image of the police in the public perspective, and may have an impact on negative public opinion on law enforcement structures, and a decrease in the level of public trust in law enforcement. (Nagin et al., 2015) Related to the various kinds of irregularities or violations committed by members of the Indonesian National Police, the problem raised by the researcher is how to enforce the law against officers who commit violations in the form of violations of the code of ethics, as well as those that are included in the types of violations in the category of criminal acts.

As a theoretical basis in this article, the researcher proposes that the theory applied in law enforcement is not the task of applying the law to specific events but human activities with all their characteristics that aim to fulfill the expectations desired by the law. (Hasaziduhu Moho, 2019) The human factor plays a major role in law enforcement, and law enforcement is not a simple logical process, but with the participation of all mankind, law enforcement is no longer seen as an effort of logical reasoning but as the result of choice. Therefore, the application of the law can not only be based on logical predictions, but also on non-logical issues. Law enforcement is carried out by agencies authorized to carry out this task, such as the police, prosecutors, judges, and government officials, including against various forms of violations or criminal acts committed by members of the Indonesian National Police. Law enforcement is influenced by some law enforcement factors, namely:

a. The legal factor itself, namely the validity regulations in Indonesia.

b. Law enforcement factors, namely the parties that form and apply the law.

c. Factors of facilities that support law enforcement.

d. Community factors, namely the environment law applied.

e. Cultural factors, namely as a result of work, creativity, and taste based on the human initiative in social life.

Understanding law enforcement can also be seen from the object, namely in terms of the law. In this case, the meaning also includes a broad meaning and a limited meaning. In general,
the application of law also includes the values of justice that exist in society. However, the application of law in a narrow sense can only involve the application of formal and written regulations. (Lee et al., 2005) Violation is a situation when the rules are not met as a result of actions taken by someone. In Indonesian Dictionary, the violation is an invented word or adjective derived from the word "langgar" which has the prefix "pe" and the suffix "an". So, the definition of a violation is an act (in case) violating a lighter crime than a crime. An act that is against the law can only be determined after there is a law or legislation that regulates it. So, the violation is identical to the applicable laws and regulations provisions. It cannot be said to be a violation if there are no rules that prohibit it. This can be distinguished from crimes that are not identical with regulations but a sense of justice or law that lives in society. A violation or offense of the law is an event declared by law, or a violation is an act that by law is labeled as an act contrary to law and order. So, the violation is a statutory offense, not a legal offense.

The theory of authority is also included in this study, the police as law enforcers who have the authority to investigate given a huge responsibility to carry out their duties so that duties and authority can synergize, are given freedom and are responsible for their actions based on their own judgment. (Stinson Sr., 2015) Based on the regulations in force in Indonesia, police investigators who have the authority can take other actions according to the law. These two statements show that there are two fields of police actions in law enforcement.

This description can be understood that the word violation in the sense of being opposite, contradictory, inappropriate, violating the rules which should be associated with violating acts or traffic problems, can be said to be contrary to what is prohibited and should be by law. Therefore, what is meant by a violation is an act that violates the provisions and regulations, whether done intentionally or by negligence.

**METHOD**

This research covers the area of the South Sulawesi Regional Police as the research location, overseeing 25 City Police located in the Regency/City and 311 Distric Police spread throughout the South Sulawesi region. This type of research is empirical legal research on the law, and with this method, legal research serves to see the law in a real sense and examines how the law works in the community. This method always looks at social phenomena and groups with applicable laws in Indonesia and is limited to the police as the object of research. In addition, researchers will describe the results of research through in-depth research, namely the relationship between groups in the object of research, in an effort to control the behavior of the group of objects of this research. Data collection was carried out by means of documentation from various journal literature related to the life of the research object group, which presented the reality of the policing behavior of each problem so as not to make the general public outside the object of research remain in a conducive situation. In addition, the researcher also conducted interviews.
ANALYSIS AND DISCUSSION

The National Police of the Republic of Indonesia is directly responsible under the President, led by a Chief of the Indonesian National Police. The National Police continues to develop the duties of the police throughout Indonesia. The National Police has always been part of the law enforcement system and carries out its roles as investigators and investigators in accordance with the criminal justice system in law enforcement, such facts indicate that certain authorities are authorized by law to carry out their duties as law enforcers which include detention, search, confiscation, and looking for evidence. (Munib, 2018) From the diversity of regulations that apply in Indonesia, which is the basis for reference for police duties, he will still be at the forefront of law enforcement in maintaining public order, as well as being responsible to the law in carrying out authority according to the orientation of the obligation to uphold the law apply. So, it can be said that the National Police is the Indonesian National Police or a law enforcement agency that has considerable authority in enforcing the law. (Redaksi Sinar Grafika, 2003) (Ihwan & Arifin, 2019)

The great authority of the police can be seen from their role as one of the subsystems in the law enforcement system, as well as their role as actors of factual and sustainable social control. The amount of authority they have so that problems found in the field of work are not handed over to other subsystems in the law enforcement system, as police will also accept the problem back and play a role in the law enforcement subsystem, therefore there is a tendency for the police to be unprofessional in carrying out their duties and authorities. Stems from one of these parts, and the tendency of the power tend to corrupt. (Nägel & Vera, 2021) As part of a large system of criminal justice law enforcement, all of its actions will return to that large system. Regarding the scope of the role of the police and the variety of authority they carry, as well as how far their role in the system has been determined in the law enforcement system. The police always find and even carry out facts that become problems that are contrary to the law, they will still be responsible for the criminal justice system and the operation of the criminal justice system. (Treyger et al., 2014)

In fact, they play a role in the community in maintaining public order based on the law on an ongoing basis is a requirement of the regulations governing the police of the Republic of Indonesia. They always carry out repressive and preventive control without paying attention that
they are the police and must be able to account for all the actions they choose to the law, it is alleged that there is so much authority they occupy that there is potential in handling cases that will return to them in a criminal justice system or law enforcement system in the future. (Arif, 2021)

One of the functions of law as a rule, as well as an attitude of action or regular behavior, is to guide human behavior carried out by law enforcement officers, the problem of legal influence is not only limited to the emergence of obedience or compliance with the law but includes the total effect of the law on attitude or behavior, both positive and negative. (Eka et al., 2021)

Law and law enforcement are some of the factors of law enforcement that cannot be separated and their role is very much needed, (Nguyen, 2021) neglecting to cause the failure to achieve a law enforcement system, maintaining security and public order as well as service and protection in the midst of society are the main tasks of the police, all actions implemented must be based on applicable laws and the enforcement of human rights. Or in other words, must act professionally and hold the code of ethics of the law enforcement profession. It is hoped that it will not fall into deviant behavior on the basis of the authority it has and must remain aware of the limitations that make people sheltered. The community and the police are two activities that cannot be separated. Without the community, there will be no police and vice versa, and the processes of implementing life in community activities will not run smoothly and productively. The police in carrying out their duties have a dual role both as law enforcers and as social workers in social and community service aspects.

Referring to the code of professional ethics is a norm that is set and accepted by a professional group that actually directs or gives instructions to its members on how to act and, at the same time guarantees the moral quality of the profession in the eyes of the public. (Muhammad, 2006) A professional code of ethics is a guide, guidance or moral or decency guide for a particular profession or is a list of obligations in carrying out a profession that is compiled by members of the profession itself and binds them in practice. The content of the professional code of ethics contains ethical values that are set as a means of guiding and controlling how the professional holder should act or behave or act in carrying out his profession, the values contained in the professional code of ethics are ethical values. (Miswardi et al., 2021)

Every member of the National Police must always be aware of their every action to keep away from disgraceful acts and attitudes, and as a pioneer of every action that overcomes the difficulties of the surrounding community, it is hoped that they will be able to control themselves from acts of abuse of authority. When a police officer acts outside his authority, it can be categorized as a violation of the code of ethics so the police can be subject to sanctions when committing violations. The place to report it is to the Police profession security team, and the way to report the police to the Police profession security team is the same as how to report a violation of the law normally. Violations of the code of ethics generally occur due to a lack of understanding of the purpose and principles of the code of ethics. As has been stated by the researcher, the
police are not aware of their main duties and obligations so they have done things that violate the code of ethics without realizing it.

Police who corrupt, use drugs, extort, cheat, and even keep the existence of crime going on are examples of violations of the professional code of ethics and also acts of violating the law. (Odunze, 2021) At the level of examining public reports, sometimes some individuals ask for materials to expedite the investigation process, facilities which are forms of gratification. Narcotics abuse cases are often found in various national and international news, Promising settlement of cases, draining the community to stay safe and smooth in their activities through guarantees that they do not get other officers’ actions in carrying out their business, this behavior is seen by the public as police officers making someone who gets protection from the police like an auto teller machine. The most surprising thing is that when a crime is engineered to continue to exist in order to get a budget for countermeasures from the government, individuals benefit from various aspects of action by utilizing the authority given to them.

The code of ethics for the Indonesian National Police profession is not only based on professional needs but has also been regulated normatively in Indonesian Regulation Number 2 of 2002 concerning the Indonesian National Police which was followed up by the Regulation of the Head of the Indonesian National Police, abbreviated as Regulation by Indonesian Head Police Number 14 of 2011 concerning the Professional Code of Ethics of the Indonesian National police, so that the Indonesian National Police professional code of ethics is binding on every police. (Basyarudin & Kurniawan, 2021) One of the functions of law, both as a rule and as an attitude of action or regular behavior, is to guide human behavior, which should always be the behavior shown by law enforcement officers in the community. The problem of legal influence is not only limited to the emergence of obedience or obedience to the law, but includes the total effect of the law on positive and negative attitudes or behavior. Renewal of regulations in various sectors, both in general and in particular, is intended to further strengthen the position and role of the National Police as a government function, including maintaining public security and order, law enforcement, protection and protection and services to the public who uphold human rights, must be free from the influence of third-party power. Anything, including peers, which is carried out independently regardless of the influence of government power and the influence of other powers, both internally and externally.

The function of the Indonesian National Police code of ethics is to always guide the behavior of police members in carrying out their professional service and as a conscience watchdog so that police members do not commit disgraceful acts that are contrary to ethical values and do not abuse their authority over the police profession. The Indonesian National Police code of ethics is a crystallization of Tribrata values (POLRI, 2021) that are based on and inspired by Pancasila and reflects the identity of each Indonesian National Police member in the form of moral commitment, which includes personality ethics, state ethics, institutional ethics and ethics in
relations with the community. In the previous regulation, Indonesian National Police ethics only covered service ethics, institutional ethics and state ethics.

Crime is a basic understanding of criminal law (normative juridical) and crime or evil deeds can be interpreted criminologically. Crimes or evil deeds in a normative juridical sense are acts as manifested in criminal regulations, while crime in a criminological sense is a human act that violates concrete norms that live in society. (Andrisman, 2009) Criminal law is the entirety of regulations that determine what actions are prohibited and included in criminal acts, and what penalties can be imposed on those who commit them. Criminal acts only include actions, criminal acts only refer to the nature of the act, namely the prohibited nature with threats of punishment if violated. Here the element of the perpetrator and matters relating to such mistakes and being able to be responsible should not be included in the definition of a criminal act but are part of another element, namely the element of criminal responsibility. Several types of criminal offenses committed by members of the police in the area of the South Sulawesi Regional Police include narcotics, immorality or obscenity, persecution, embezzlement, defamation, and extortion, gratuities, irregularities, budget abuse, and corruption. Concerning the Dismissal of Members of the State Police of the Republic of Indonesia, expressly states that the types of actions that can cause a member of the State Police to be dishonorably dismissed are committing a crime, committing a violation and leaving their duties or other things. That have been carried out by members of the police who are included in the category of criminal acts and also violations of the police professional code of ethics, based on interview data obtained by researchers from the South Sulawesi Regional Police, in the period 2019-2021, among others in the form of criminal acts of Narcotics Abuse, abuse of authority, embezzlement, criminal acts of corruption and unprofessionalism in handling cases.

Crimes that fall into the unprofessional category in handling cases are the types of crimes with the highest number of cases. This type of violation can occur because there are still members of the National Police in the South Sulawesi Police area who do not act according to procedures and there are still many who violate their duties. Based on the researcher’s search for student respondents who are also police law enforcers during discussions about the chaotic law enforcement system in several study meetings outside the learning class, it was revealed that in the trial process from every year there are always cases about police unprofessionalism in handling cases. In addition to the types of violations mentioned above, several other violations still occur in the South Sulawesi Regional Police area, namely immoral violations and desertion violations (not coming to work). The crime of desertion (Not Entering the Office) is defined as an act of leaving work without permission or not notifying within more than 30 days. The punishment for deserters is threatened with dismissal from the police institution and this is one form of law enforcement against police officers who commit violations.
In some forms of violations that were committed, based on the results of communications made privately, in order to build the concept of an ideal law enforcement, the researchers got the expression that there were several police officers who received delegations to handle narcotics problems, in this case handled to exist during society. Business actors for the distribution of narcotics are supported by unscrupulous officials within the Indonesian National Police in order to continue to receive tribute in order to secure their positions, and to maintain these actions as additional income in order to be able to make deposits to higher levels of officials. Every day, delegations of police officers regularly receive large sums of money from narcotics dealers in the South-Sulawesi region. Of course, it is clear that in addition to abuse of this authority is a violation and its participation is a crime. Such behavior is not possible if there is not a system that runs among other systems behind an ideal system. (Aswari & Salle, 2020)

All types of ethical violations that apply in law enforcement agencies that can be categorized as a form of crime are not enough to be eradicated in the middle of this institution, but are also a benefit for individuals to obtain additional income illegally in order to overcome pressure from top leadership in an illegal hidden system. In order to always be able to be given tribute, is it not comprehensive that law enforcement agrees that a system and the elements contained in it should be carried out based on the good faith of the community and applicable laws and regulations, both national and international. This finding reaffirms that the existence of violations or criminal acts that exist from various information collected and existing literature can be analyzed from the existence of other systems that live from systems that should exist according to law.

Law enforcement against members of the police who are proven to have committed a crime will settle the case the same as the community in general, namely in the general court. In addition to the general trial of police officers who commit criminal acts, there will also be other additions from the internal police themselves, namely in the form of law enforcement through the trial of the police code of ethics. The law enforcement process for police who commit criminal acts, among others, will pass through the following stages.

1. Investigation Stage.
   At this stage, members of the police who are suspected of committing a crime can be reported by the public. This complaint will be followed up by the police leadership and then submitted to the respective Provos unit to conduct an investigation. If evidence is found that is considered strong, the Provos unit submits an investigation to the Paminal unit to continue a deeper investigation, this investigation is not only the Paminal unit but the Criminal Investigation unit also participates in the investigation process.

2. Hold Investigation.
   In the investigation process, suspected members of the police who violate the police professional code of ethics and criminal acts can be investigated according to the place
and or location of their unit. This is done in accordance with the applicable provisions of the Criminal Procedure Code.

3. General Court Stage.
At this stage, the examination process is carried out in the court. Defendants of criminal acts committed by members of the National Police are treated equally and equally with other criminals according to the rules in the Criminal Procedure Code. The defendant is also free to appoint an advocate or legal representative or wants to be provided with legal counsel from the state.

The code of ethics trial is a form of enforcement of the police professional code of ethics. In the enforcement of this code of ethics, the role of the National Police Propam as the party in charge of this matter.

5. Dismissal.
With the proof that the member of the police has violated the code of professional ethics, the code of ethics will be enforced by dishonorable discharge or removal from the National Police unit. Members who are removed from their units must continue to maintain secrecy within the Polri unit after they are removed.

One of the benchmarks for the success of Polri's performance is the upholding of the rule of law, both outside and within the Polri institution, which is a commitment that must be carried out by all Indonesian National Police members. Violations committed by members of the National Police, both when carrying out their duties and outside their duties, will worsen the image of the police, therefore there is a need for law enforcement efforts.

CONCLUSION
Such great authority in the task of the police, both in social control and in its role as part of a large system of criminal law enforcement, presents various types of violations by members of the National Police in the South Sulawesi area, the most prominent of which are violations committed because of their unprofessionalism in handling cases. The existence of an illegal hidden system is still durable in the body of this law enforcer, the impact of violations for violations always occurs because there are still many Police members who are members of the system behind the ideal system so they have not acted according to procedures and there are still many who violate their duties. This shows that efforts to foster professionalism in the National Police still need further improvement. Other violations of the police code of ethics, which are criminal acts, include, among others, immoral acts, abuse of authority, and desertion. Law enforcement efforts against members of the police who are proven to have committed criminal acts are the same as those of the community in general, namely resolved in general courts. However, for members of the police
who commit criminal acts, there will also be other additions from the internal police themselves, namely in law enforcement through the police code of ethics trial.

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