

The Strategic Role of the Republic of Indonesia National Police Institution in the Concept of a Legal State

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ABSTRACT

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*As a State Instrument that Maintains Security and Order whose po. directly under the President, which means that the President i authority to appoint and dismiss the National Police Chief. The pu this research is to analyze and determine the position of the Nationa institution in the institutional structure in Indonesia and the ideal p of the National Police in the institutional structure in Indones research method used in this study is the Normative Research Me. analyzing the provisions of laws and regulations related to the pos the National Police. The results of the research show that, **Fir** position of the National Police Institution is currently under the Pr as an independent security and law enforcement officer. This positi accordance with the 1945 Constitution. **Second:** The ideal positio National Police in the future is to remain directly under the Preside is supervised internally through the Divpropam and the Code o Commission of the National Police of the Republic of Indonesia while the National Police Commission is an external institution task supervising the performance of the National Police.*

INTRODUCTION

Maintaining domestic security through the implementation of police functions which include maintaining public security and order, law enforcement, protection, shelter and service to the community is carried out by the Republic of Indonesia National Police as a state apparatus assisted by the community by upholding human rights.¹ The Republic of Indonesia National Police, hereinafter referred to as Polri, is a state apparatus that plays a role in maintaining public security and order, enforcing the law, and providing protection, shelter and service to the community in order to maintain domestic security.²

The Indonesian National Police (Polri) is the official institution tasked with maintaining public order and security, enforcing the law, and providing protection, guidance, and services to the people of Indonesia. The Indonesian National Police (Polri) is part of the state apparatus and reports directly to the President, as head of state.³

Currently, the Indonesian National Police has become a trending topic of discussion at the political level. Several political figures have suggested placing the National Police under the Ministry of Home Affairs and there are also some who have suggested that the National Police be reintegrated into the Indonesian National Armed Forces (TNI) under the TNI Commander.⁴

The position of the Republic of Indonesia National Police (Polri) in the structure of the Indonesian state is expressly regulated in the 1945 Constitution and Law Number 2 of 2002 concerning the Republic of Indonesia National Police.⁵ Article 30 Paragraph (4) of the 1945 Constitution states that the Republic of Indonesia National Police as a state instrument that maintains public security and order is tasked with protecting, serving, and enforcing the law.

Article 8 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police states that the Indonesian National Police are under the President. The main duties of the Indonesian National Police are regulated in Article 13 of this Law on the Indonesian National Police, which states that the main duties of the Indonesian National Police are⁶:

¹ Wahyu Simon Tampubolon, "Wahyu Simon Tampubolon P.ISSN Nomor 2337-7216, E ISSN Nomor 2620-6625" 08, no. 02 (2020): 89–96.

² I Wayan Juliartha Suda and I Wayan Suwanda, "Kajian Tugas Dan Fungsi Polri Dalam Penegakan Hukum," no. November 2021 (2022): 1334–42.

³ Suda and Suwanda.

⁴ Imam Subandi et al., "THE ROLE OF TNI (INDONESIAN NATIONAL ARMY) IN COUNTERING TRANS-NATIONAL CRIMES" 4, no. 08 (2024): 7207–14.

⁵ Husni Thamrin, "Menyoal Kedudukan Polri Dalam Sistem Ketatanegaraan Indonesia Sebagai Negara Demokrasi," *Jurnal Legalitas* 1, no. 1 (2023): 87–94.

⁶ Husni Thamrin. *Ibid*

- a. maintaining public security and order;
- b. enforcing the law; and
- c. providing protection, guidance, and services to the public.

Based on these main duties, institutionally, the following can be stated:

- 1) As a State Instrument Maintaining Security and Order, the Indonesian National Police (Polri) is a state instrument that functions to maintain public security and order, enforce the law, and protect and serve the community.
- 2) Directly under the President, which means:
 - a. The President has the authority to appoint and dismiss the Chief of Police.
 - b. The Polri is no longer under a Department or Ministry, as it was previously under the Ministry of Home Affairs during the New Order era.
- 3) Separation of the Polri and the TNI
 - a. The Polri was separated from the Indonesian National Armed Forces (TNI) during the reform era in 1999 based on People's Consultative Assembly Decree Number VI/MPR/2000.
 - b. The Polri's primary duty is maintaining domestic security, while the TNI focuses on national defense from external threats.
 - c. This separation clarifies the Polri's function and role as a law enforcement agency focused on handling civilian matters.
- 4) A centralized institution integrated with regional governments.
 - a. The structure of the Indonesian National Police is hierarchical, with the Chief of Police as the highest leader.
 - b. The Indonesian National Police (Polri) has a network extending down to the regional level, including regional police (Polda), district/city police (Polres), and sub-district police (Polsek).
 - c. Although integrated at the regional level, the Indonesian National Police (Polri) is not subordinate to the regional head but rather directly under the central government's control through the Chief of Police.
- 5) The Indonesian National Police (Polri) as Law Enforcers and Part of the Criminal Justice System.
 - a. The Indonesian National Police (Polri) is part of the Criminal Justice System, along with the Prosecutor's Office, the Courts, and Correctional Institutions.
 - b. The Indonesian National Police (Polri) is tasked with conducting investigations and inquiries into criminal acts.
 - c. The results of the Indonesian National Police's work are then forwarded to the Prosecutor's Office for prosecution.

Based on its main duties as stated in Article 30 Paragraph (4) of the 1945 Constitution, it states that the Republic of Indonesia National Police as a state

apparatus that maintains public security and order is tasked with protecting, serving, and enforcing the law, and also Article 13 of Law Number 2 of 2002 concerning the Police states that the main duties of the Police are to maintain public security and order; enforce the law; and provide protection, care, and service to the community, so the role and position of the Police in the state system is very strategic and vital.⁷

Several incidents involving police officers such as the sambo case, the shooting of students in Semarang, the shooting of fellow Polri members have given rise to various ideas about the position of Polri in the Indonesian government system, some have asked for a change in the Polri structure under a ministerial-level institution, some want Polri to return to being under the auspices of the Ministry of Defense and Security and there are also those who want Polri to remain directly under the president.⁸

This is the problem that the author will examine in order to find the right position for the Indonesian National Police institution in the Indonesian government system. The important points that will be discussed in the article are the strategic role of the republic of indonesia national police institution in the concept of a legal state.⁹

METHOD

This research uses a normative legal research method, as long as the law is said to be a norm that has been formed and has a positive form (*ius constitutum*), which has not been made positive (*ius constituendum*) then during that time this legal research must also be said to be normative research.¹⁰ This research uses a statute approach. This approach is carried out by examining all laws and regulations related to the legal issue being researched. This research also uses a conceptual approach, which is a type of approach in legal research that provides an analytical perspective on solving problems in legal research seen from the legal concepts that underlie it, or can even be seen from the values contained in the norming of a regulation related to the concepts used.

This approach is used to understand concepts related to normative regulation in legislation, ensuring they align with the spirit of the underlying legal concepts. This approach stems from the views and doctrines developed within legal science. This approach is important because understanding these views or doctrines can provide a foundation for constructing legal arguments when resolving legal issues. These views or doctrines clarify ideas by providing legal definitions, legal concepts, and legal principles relevant to the problem.¹¹

⁷ Andik Wijaya, Faisal Santiago, and Rineke Sara, "Optimization of the Tasks of the Polri Based on the Police Law of the Republic of Indonesia No 2 of 2002 to Realize Professionalism," no. 2 (2023), <https://doi.org/10.4108/eai.12-11-2022.2327371>.

⁸ Wijaya, Santiago, and Sara. *Ibid*

⁹ Wijaya, Santiago, and Sara. *Ibid*

¹⁰ S. Wignjosoebroto, (2013) *Hukum Konsep Dan Metode*. Malang: Setara Press.

¹¹ Hamidi, (2004) *Metode Penelitian Kualitatif*. Malang: Universitas Muhammadiyah Malang.

RESULT AND DISCUSSION

A. The Position of the Indonesian National Police (Polri) in the Institutional Structure of Indonesia

In analyzing the position of the Indonesian National Police (Polri) in the Indonesian state system and its role in running the government, the author analyzes the legal instruments, namely the 1945 Constitution, the People's Consultative Assembly (MPR) Decree, Law Number 2 of 2002 concerning the Indonesian National Police, and Presidential Regulation Number 52 of 2010 concerning the Organizational Structure and Work Procedures of the Indonesian National Police, with several amendments, most recently through the third amendment, namely Presidential Regulation Number 20 of 2024 and Presidential Decree Number 89 of 2000 concerning the Position of the Indonesian National Police.¹²

As a state institution tasked with maintaining security and enforcing the law, the Indonesian National Police must stand above the national interest, as mandated by the 1945 Constitution. Article 30 paragraph (4) of the 1945 Constitution states that Polri members are tasked with maintaining security and public order, protecting, serving, and enforcing the law, which are also in the interests of all Indonesian citizens.¹³

The police function is one of the functions of state government in the areas of maintaining public security and order, law enforcement, protection, and public service.¹⁴ Since the reform era, which amended the 1945 Constitution, there has been a paradigm shift in the state system, including the affirmation of the institutional separation of the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri) in accordance with their respective roles and functions. This began with the enactment of Decree of the People's Consultative Assembly of the Republic of Indonesia Number VI/MPR/2000 of 2000 concerning the Separation of the Indonesian National Armed Forces and the Indonesian National Police.

This separation is one of the demands of reform and the future challenge is the implementation of democratization, so it is necessary to reposition and restructure the Armed Forces of the Republic of Indonesia (ABRI), before the reform, namely during the New Order, there was a policy in the field of defense/security that merged the Army, Navy, Air Force, and the National Police of the Republic of Indonesia in the

¹² Adhalia Septia Saputri et al., "BUREAUCRACY REFORM IN THE BODY OF THE INDONESIAN NATIONAL POLICE (APPLYING THE PRINCIPLE OF PROFESSIONALITY)" 3, no. 12 (2022): 1914–21.

¹³ Thamrin, "Menyoal Kedudukan Polri Dalam Sistem Ketatanegaraan Indonesia Sebagai Negara Demokrasi."

¹⁴ Yoan Febriawan, "Police Duties and Functions in Realizing Justice and Legal Certainty Under Police Law No. 2 Of 2002" 3, no. 6 (2024): 398–403, <https://doi.org/10.58344/jii.v3i6.4941>.

Armed Forces of the Republic of Indonesia (ABRI).¹⁵ As a result of this merger, there was confusion and overlap between the roles and functions of the Indonesian National Army as a state defense force with the roles and duties of the National Police of the Republic of Indonesia as a security and public order force.

The socio-political role in the dual function of the Armed Forces of the Republic of Indonesia has led to deviations in the roles and functions of the Indonesian National Army and the Indonesian National Police, which has resulted in the failure to develop the foundations of democracy in the life of the nation, state and society.¹⁶

Article 1 of MPR Decree Number VI/MPR/2000 of 2000 states that the Indonesian National Armed Forces (TAP MPR) and the Indonesian National Police (Polri) are institutionally separate, each with its own distinct roles and functions.

Article 2 further states that the Indonesian National Armed Forces (TNI) is a state instrument responsible for national defense, while the Indonesian National Police (Polri) is a state instrument responsible for maintaining security. In cases where defense and security activities are interconnected, the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri) must cooperate and assist each other, thus effectively establishing the Polri as a state instrument responsible for maintaining security.

Furthermore, Article 3 states that:

- (1) The role of the Indonesian National Armed Forces and the role of the Republic of Indonesia National Police is determined by a Decree of the People's Consultative Assembly.
- (2) Matters concerning the Indonesian National Armed Forces and the Republic of Indonesia National Police are further regulated in a separate law.

Furthermore, the role of the Indonesian National Police, as mandated by Article 3 paragraph (1) of MPR Decree Number VI/MPR/2000 of 2000, has also been stipulated by the MPR in Decree Number VII/MPR/2000 of 2000 concerning the Role of the Indonesian National Armed Forces and the Role of the Republic of Indonesia National Police in Chapter II of the Republic of Indonesia National Police, Article 6. The role of the Republic of Indonesia National Police is as follows:

- (1) The Republic of Indonesia National Police is a state apparatus that plays a role in maintaining public security and order, enforcing the law, providing protection and services to the community.
- (2) In carrying out its role, the Republic of Indonesia National Police is required to possess professional expertise and skills.

Article 7 of MPR Decree Number VII/MPR/2000 of 2000 states that the

¹⁵ Ali Ginanjar Inpantri et al., "The Role and Development of the Function of ABRI (Angkatan Bersenjata Republik Indonesia) in the New Order Period" 1, no. 2 (2022): 191–200.

¹⁶ Yusa Djuyandi, "Development of Military Role in Indonesian Government" 8, no. 3 (2023).

structure and status of the Indonesian National Police are as follows:

- (1) The Indonesian National Police is a National Police whose organization is structured in a hierarchical manner from the central to the regional levels.
- (2) The Indonesian National Police is subordinate to the President.
- (3) The Indonesian National Police is led by the Chief of the Indonesian National Police, who is appointed and dismissed by the President with the approval of the House of Representatives.
- (4) Members of the Indonesian National Police are subject to the authority of the general judiciary.

Based on the description of MPR Decree Number VII/MPR/2000 of 2000, the Indonesian National Police (Polri) is a state instrument responsible for maintaining public order and security, enforcing the law, providing protection, and providing services to the public. Its position within the government falls directly under the President without being coordinated by any ministry. The position of the POLRI under the President implies that the POLRI is part of the government, carrying out government functions, namely the executive branch.

In a presidential system of government, where the head of state, the President, is the head of government, the POLRI, as a state instrument responsible for public order and security, enforcing the law, providing protection, and providing services to the public, must be able to distinguish between the POLRI as a state instrument subordinate to the President in the executive branch and its role as a law enforcer providing protection and services to the public.

Law Number 2 of 2002 concerning the Republic of Indonesia National Police, which is a further regulation regarding the National Police institution within the Indonesian government system, which was previously regulated in the 1945 Constitution Article 30 and in an effort to carry out its role in accordance with the MPR decree, namely MPR Decree Number VII/MPR/2000 of 2000.

Furthermore, the position of the Indonesian National Police (Polri) as an independent institution under executive power is regulated in Article 28 of Law Number 2 of 2002 concerning the Indonesian National Police.

- (1) The Indonesian National Police is neutral in political life and does not involve itself in practical political activities.
- (2) Members of the Indonesian National Police do not exercise the right to vote or be elected.
- (3) Members of the Indonesian National Police may hold positions outside the police force after resigning or retiring from police service.

As stipulated in Article 28, the Indonesian National Police institution in carrying out its role as a state instrument in maintaining public security and order does not use the right to vote and be elected in the General Election and must resign or retire from the police service if it holds a position outside the police force. This is also in accordance with MPR Decree Number VII/MPR/2000 of 2000 in Article 10 as

mentioned above. By taking into account the involvement of the Indonesian National Police as part of the government in the executive scope under the direct command of the President who has the task of carrying out orders from the law based on the Decree of the President of the Republic of Indonesia Number 89 of 2000 concerning the Position of the Indonesian National Police in Article 1 states that the Indonesian National Police is a government institution whose main task is to enforce the law, public order and maintain domestic security.

Then it is continued in Article 2 that the Indonesian National Police is directly under the President, the Indonesian National Police institution is led by the Chief of the Indonesian National Police who in carrying out his duties is directly responsible to the President who in carrying out his duties coordinates with the Attorney General's Office in judicial matters and with the Ministry of Home Affairs in matters of public order and security.

The organizational structure of the Indonesian National Police (Polri) as stipulated in Presidential Regulation of the Republic of Indonesia Number 5 of 2017 concerning Amendments to Presidential Regulation Number 52 of 2020 concerning the Organizational Structure and Work Procedures of the Indonesian National Police (Polri) in Article 3 is as follows:

(1) The Indonesian National Police (Polri) organization is structured hierarchically from the central level to the regional level based on jurisdiction in accordance with statutory provisions.

(2) The Indonesian National Police (Polri) organization from the central level to the regional level as referred to in paragraph (1) consists of:

- a. Headquarters of the Indonesian National Police (Mabes Polri);
- b. Regional Police (Polda);
- c. Resort Police (Polres); and
- d. Sector Police (Polsek).

The police are a government institution that plays a crucial role in a state governed by the rule of law. Legal life is largely determined by structural factors or legal institutions, in addition to other factors, such as legal substance and legal culture.

The government's legal policy, in the context of separating the National Police (Polri) from the Indonesian Armed Forces (ABRI), particularly in upholding the rule of law, requires the police to remain an independent institution, albeit subordinate to the president. Initially, the Indonesian National Police (Polri) was part of the military.

The police, along with the Indonesian Army (TNI AD), Air Force (TNI AU), and Navy (TNI AL), are part of the Indonesian National Armed Forces (ABRI), which has exposed them to interference in carrying out their duties, particularly in their role as law enforcement officers. The Indonesian National Police's position as an independent institution has been fragile throughout its history due to its lack of clear and explicit

provisions in the 1945 Constitution and has undergone several amendments. This contrasts with the Indonesian National Armed Forces (TNI), the Army, Navy, and Air Force, which are explicitly stipulated in Article 10 of the 1945 Constitution, which states, "The President holds supreme authority over the Army, Navy, and Air Force."

Throughout its history, the Indonesian National Police's position within the Indonesian constitutional system has undergone several changes: it has been under the Ministry of Home Affairs, the Prime Minister, the Minister of National Police Commander-in-Chief, the Minister of Defense and Security, and now the President.¹⁷

The position of the Indonesian National Police under the direct authority of the President is not stated directly by the 1945 Constitution as stated in Article 30 paragraph (5) of the 1945 Constitution that (5) The composition and position of the Indonesian National Armed Forces, the Republic of Indonesia National Police, the relationship of authority between the Indonesian National Armed Forces and the Republic of Indonesia National Police in carrying out their duties, the conditions for citizen participation in national defense and security efforts, as well as matters related to defense and security are regulated by law, by looking at these provisions, it requires follow-up in the formation of laws that regulate the composition and position, as well as the relationship of authority between the Indonesian National Police in carrying out their duties.

Thus, the logical consequence of the provisions of Article 30 paragraph (5) of the 1945 Constitution is the formation of Law Number 2 of 2002 concerning the Indonesian National Police, which stipulates that the police institution is positioned under the President and is responsible to the President. This is stated in the provisions of Article 8, which states that:

- (1) The Indonesian National Police is under the President.
- (2) The Indonesian National Police is led by the Chief of Police, who in carrying out his duties is responsible to the President in accordance with statutory regulations.

The Reform Era, which changed the status of the police from military to civilian, has had a positive impact, resulting in rapid progress for the Indonesian National Police (Polri) in maintaining domestic security, making it increasingly humane and democratic. The implementation of the Polri's duties and functions in overseeing the acceleration of the President's programs has made the country safe and conducive to national development, even amidst the international pandemic. Therefore, forcing the Polri under a ministry, for example by establishing a Ministry of Security, could be a national setback and alienate the Polri from the President, who holds supreme executive power.

Placing the Polri under a ministry would lengthen the Polri bureaucracy and slow down strategic operational decision-making. Furthermore, the Polri's position is

¹⁷ Suyono, Y. U. (2013). *Hukum Kepolisian Kedudukan Polri Dalam Sistem Ketatanegaraan Indonesia Setelah Perubahan UUD 1945*, Surabaya: Laksbang Grafika

merely an executive apparatus and subordinate to political officials, while its position under the President as head of state places the Polri as an executive apparatus, an independent institution, and part of the judicial system, which can be interpreted as simultaneously maintaining security, enforcing the law, and protecting, protecting, and serving the public.

As a high-ranking institution, even though it is under the president due to its status as a law enforcement institution, similar to the Supreme Court (Kejudiciary) and the Attorney General's Office (Jaksa), the Indonesian National Police (Polri) is considered an independent high-ranking state institution. If the Polri were subordinate to a ministry, it would lose its vital element: its role as an independent law enforcement agency, resulting in a slow bureaucracy and potential interference in the ongoing political contest for power.

The primary duty of the Indonesian National Police (Polri) is to maintain social order and national security, enforce the law, and provide public services. With this scope of duties encompassing both the judicial and executive branches, the Indonesian National Police (Polri) cannot be reduced to a mere subordinate position under the executive branch, as under a ministry. This would place the Indonesian National Police (Polri) under the Prosecutor's Office and judicial institutions such as the Constitutional Court and the Supreme Court, even though they are part of the judicial system, with the task of conducting investigations and prosecutions.

The Indonesian National Police (Polri) carries out administrative and law enforcement duties in the field of security and public order as part of the President's general authority in the administration of government, particularly the power to administer state administration.

This duty maintains the Indonesian National Police (Polri) as a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the public in the context of maintaining domestic security.

In terms of its general duties, the National Police (Polri) provides protection, care, and service to the public. This is also included in the objectives of establishing an independent Indonesian government, as stated in Paragraph IV of the Preamble to the 1945 Constitution, which states, among other things, "to protect the entire Indonesian nation and all of Indonesia's territory."

Therefore, it is logical and constitutional for the National Police (Polri) to remain under the President, because to uphold law, order, and security, there must be a state apparatus (the police) that simultaneously carries out the President's administrative duties in the field of security and public order.

Associated with the meaning of the police as an "instrument of the state," this means that the police, in exercising their authority, are subordinate to the President

as Head of State. On the other hand, the police's function as an "executive power function" implies that the government is run by the President.

Bagir Manan further stated that, as the holder of executive power, the President delegates some of his powers to the police, particularly in the areas of security and public order. As stated by Bagir Manan, the President is the supreme leader in the implementation of state administration. The implementation of state administration encompasses a broad scope, namely every form of administrative action or activity, which is grouped into:¹⁸

- a. Administrative duties and authorities in the field of security and public order;
- b. Duties and authorities in carrying out government administration, from correspondence to documentation and other matters;
- c. Duties and authorities of state administration in the field of services;
- d. Duties and authorities of state administration in the field of public welfare.

B. The ideal position of the Indonesian National Police institution in the institutional structure according to the concept of legal state

Police independence is essential, especially in carrying out their duties as law enforcers. Article 30, paragraph (4) of the 1945 Constitution states, "The National Police of the Republic of Indonesia, as a state instrument maintaining public security and order, is tasked with protecting, serving, and enforcing the law." Meanwhile, Law Number 2 of 2002 concerning the Indonesian National Police (Polri) explains, "The function of the police is one of the functions of state government in the areas of maintaining public security and order, law enforcement, protection, and service to the community."

Here, the emphasis is on governmental functions, where the Indonesian National Police (Polri) carries out one of the existing governmental functions. This police function carries the same meaning as the duties and authorities of the police, both preventive and repressive.

Incorrectly positioning the police institution within the Indonesian state system will create problems for the police institution in carrying out its duties and authorities as the national police.

Therefore, the position of the police institution as a state institution in the executive field that is independent in carrying out its duties in the field of security and public order and enforcing the law in the presidential system of government in Indonesia, requires the concept of constitutional law and the concept of administrative law and makes comparisons with other countries, so that its position can be determined according to the ideal position based on state administration, so that the police are expected to become an independent, modern, proportional and professional institution in accordance with the laws and regulations in Indonesia.

¹⁸ Manan, B. (2003). *Lembaga Kepresidenan*. Yogyakarta: FH UII Press.

Article 34, paragraphs (1) and (2) stipulate that:

(1) The attitudes and behavior of officers of the Republic of Indonesia National Police are bound by the Code of Professional Ethics of the Republic of Indonesia National Police.

(2) The Code of Professional Ethics of the Republic of Indonesia National Police can serve as a guideline for other police officers in carrying out their duties in accordance with applicable laws and regulations within their jurisdiction.

The Indonesian National Police, directly under the President, is burdened with public expectations regarding the implementation of its duties, which must be increasingly enhanced and oriented towards the community it serves. The Republic of Indonesia National Police, as an institution within the state system, carries out the primary duties of maintaining public security and order, protecting, protecting, and serving the community, and acting as a law enforcement officer. In carrying out its duties, it is always close to and in collaboration with the community to maintain public security and order in order to achieve domestic security stability, in order to realize and fulfill the demands and expectations of the community in the reform era.

Currently, external oversight is vested in the National Police Commission (Kopolnas), a vital component of the Indonesian National Police. There are three formal legal bases for the National Police Commission, as follows:

1. People's Consultative Assembly Decree No. VII/MPR/2000 concerning the Role of the Indonesian National Armed Forces and the Indonesian National Police.
2. Law No. 2 of 2002 concerning the Indonesian National Police.
3. Presidential Regulation of the Republic of Indonesia Number 17 of 2011 concerning the National Police Commission (Kopolnas).

Based on Article 8 of the People's Consultative Assembly Decree No. VII/MPR/2000 concerning the National Police Institution, the President is assisted by the National Police Institution.

(2) The National Police Institution is established by the President, as regulated by law.

(3) The National Police Institution provides advice to the President in the appointment and dismissal of the Chief of the Indonesian National Police.

The National Police Commission (Kopolnas) is subordinate to and accountable to the President, as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police, which regulates the National Police Institution in Article 37 paragraph (2).

Furthermore, the function of Kopolnas is based on Article 3 of Presidential Regulation Number 17 of 2011, which states: "Kopolnas carries out functional oversight of the performance of the Indonesian National Police (Polri) to ensure the

professionalism and independence of the Indonesian National Police (Polri). This is done through monitoring and evaluating the performance and integrity of Polri members and officials in accordance with statutory provisions."

Law Number 2 of 2002 concerning the Indonesian National Police (Polri) states that Kopolnas' authority in the context of oversight is limited to "receiving suggestions and complaints from the public regarding police performance and submitting them to the President."

The Explanation of the National Police Law states that complaints include abuse of authority, allegations of corruption, poor service, discriminatory treatment, and the misuse of discretion. Furthermore, Presidential Decree No. 17 of 2011 concerning the National Police Commission (Kopolnas) does not further regulate the duties or powers derived from the Kopolnas in exercising the authority stipulated in the National Police Law.

Conclusion

The current position of the Indonesian National Police (Polri) as a state apparatus under the President within the executive branch, with the Polri as a law enforcer providing protection and service to the public, is also an independent institution. The Polri's position as an independent institution directly under the President is in accordance with the 1945 Constitution and is clarified by the provisions of Article 8 of Law Number 2 of 2002 concerning the Polri.

The ideal position of the Polri within the Indonesian state system in the future is to remain directly under the President, with internal oversight through the Divpropam (Propam Division) to oversee the behavior of Polri members in carrying out their functions in government and the Indonesian National Police Code of Ethics Commission (KKEP) in the adjudication process and the imposition of sanctions for violations of the Polri code of ethics. While the National Police Commission (Kopolnas) is an external institution tasked with overseeing Polri performance, it has limited authority and only provides advice and input to the President and does not have the authority to formulate regulations or enforce them within the Polri institution.

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