

BUREAUCRACY REFORM IN THE BODY OF THE INDONESIAN NATIONAL POLICE (APPLYING THE PRINCIPLE OF PROFESSIONALITY)

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ABSTRACT

KEYWORDS

State administrators have a very important role in realizing a clean and free country reform; bureaucracy; police from corruption, collusion, and nepotism. State administrators must work hard and cooperate with the community. This is in accordance with the ideals of the nation's struggle to create a just and prosperous society as stated in the 1945 Constitution of the Republic of Indonesia. principles of state administration. State administrators in this case the National Police as a state instrument that has a role in maintaining public security and order, enforcing the law, and providing protection, protection, service, and a good example to the community. Demands for the professionalism of the Police are now being intensively voiced by the public. This community demand is to reform the police bureaucracy.

INTRODUCTION

Recently, the Indonesian National Police institution has attracted the attention of the wider community, both at home and abroad. The public's attention is related to the case of shooting the police. This, of course, makes the National Police as the protector of the community, is constantly being discussed and discussed. This case is interesting to observe because the perpetrator suspected of committing the crime is a police officer. Even more surprising, the National Police Headquarters determined that there were 6 (six) more officers suspected of being suspects who obstructed the investigation or what was called the *obstruction of justice*. They play a role in engineering the chronology of events to eliminate evidence. The members of the National Police are suspected of abusing their authority and being unprofessional in their duties. It turns out that a high rank does not guarantee that a person who has the status of an active member of the Police in the service, is free from legal entanglement. Despite having a high rank, if found guilty, the legal process will still apply. Not only will it end in jail, but will be dishonorably discharged through an ethics commission hearing.

Sanctions of dismissal such as Dismissal Disrespect (PTDH) is a form of commitment to thoroughly investigate violations of both criminal and code of ethics. The National Police leadership, in this case the National Police Chief, has been committed from the start to take firm action against members involved in the obstruction of justice, both ethically and criminally. Based on the results of the code of ethics trial, the alleged violator was proven to have committed unprofessionalism and abuse of authority, so that the commission decided on ethical sanctions, namely violating behavior declared as a disgraceful act, and administrative sanctions in the form of Disrespectful Dismissal (PTDH) as a member of the National Police.

Indonesia is a state of law. The rule of law here means that the Indonesian state is not based on mere power. Thus, the state, including the government and other state institutions, in carrying out any act must be based on law or in other words, every action must be legally accountable. Therefore, it is necessary to develop a law which is essentially the development of the law as an effort to uphold justice in the state of Indonesia which is fully carried out equally to all Indonesian people without indiscriminate.

National development that involves the community can always foster legal awareness of state officials in carrying out their duties in realizing justice. The public will control the duties of the official. This also applies to the Police. The community feels that so far the performance of the Police has not been optimal. Therefore, major reforms are needed within the National Police. Moreover, the National Police are currently investigating a major case that allegedly involves many members of the Police.

The police are the front line protecting the community, which of course has a difficult task. In carrying out their duties, the Police must be guided by the laws and regulations. The legislation in question is Law Number 8 of 1981 concerning the Criminal Procedure Code. The birth of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) since its promulgation on December 31, 1981 has been welcomed by all Indonesian people with feelings of joy and full of hope for the realization of legal certainty and legal order based on truth and justice (Kuffal, 2010).

This is based on the fact that the formulation of the articles in the Criminal Procedure Code, community members, especially justice seekers know that explicitly or implicitly, the Criminal Procedure Code has regulated the provision of protection for the nobility of human dignity known as Human Rights (HAM). The provisions of the criminal procedure law contained in the Criminal Procedure Code, not only regulate the procedures that must be carried out and obeyed by law enforcement officers (Polri) in an effort to uphold law and justice, but at the same time also regulate the procedures and requirements that must be obeyed by the authorities law enforcers (Polri) in an effort to violate and at the same time protect human rights.

In the criminal procedure law, the Police have the duty as investigators and investigators. The task of the investigator is to conduct an investigation, as well as the task of the investigator to conduct an investigation (Indonesia, 1981). Basically, the essence of bureaucratic reform in the National Police is an effort to improve and improve the bureaucratic system that applies within the Indonesian National Police organization which is considered no longer in accordance with the dynamics of community development as an object of Indonesian National Police service, due to the influence of the local, global, and regional environment which is associated with the level of satisfaction. people today who expect transparency, legal certainty, ease of justice in accordance with the main tasks, functions, and roles of the National Police (Hanjar, 2020).

This reform of the Police bureaucracy occurred due to things such as:

1. Corruption, Collusion and Nepotism (KKN) practices are still ongoing;
2. The level of quality of public services that have not met the expectations of the community;
3. The level of efficiency, effectiveness, and productivity is not yet optimal;
4. The transparency and accountability of the government bureaucracy is still low; and
5. The level of discipline and work ethic is still low.

With the above reasons, the goal of reforming the Police bureaucracy can be achieved. The objectives of this Indonesian National Police bureaucratic reform are as follows:

1. Clean and free of Corruption, Collusion and Nepotism (KKN);
2. Increased public services; and
3. Can be transparent and accountable.

Police bureaucratic reform can be carried out well, if in its implementation the Police hold fast to their commitments. Implementing this commitment requires support from all parties, such as service officers who are in direct contact with the community and officers who are not directly related to the community. Therefore, it is urgently needed for members of the National Police who are clean, honest, responsible, and committed to justice. To realize all of this, it is deemed necessary to carry out bureaucratic reform within the National Police.

The study aims to acknowledge; (1) why is it necessary to reform the bureaucracy within the Indonesian National Police?, (2) what are the problems in reforming the Indonesian National Policebureaucracy?, and (3) how about structural reforms within the Indonesian National Police?

METHOD RESEARCH

The legal research used in this journal is a normative – empirical (Mixed) legal research type. This research is a mixed research method which in this case combines elements of normative law which is then supported by the addition of data or empirical elements. In this normative-empirical research method, it is also about the implementation of normative legal provisions (laws) in action in every particular legal event that occurs in a society. In normative-empirical legal research there are 3 (three) categories, namely:

a) Non Gambling Case Study

Is a legal case study approach that is without conflict, so that there is no court intervention;

b) Judicial Case Study

This is a judicial case study approach, this is a legal case study approach due to a conflict, so that it will involve court intervention to be able to provide a settlement decision;

c) Live Case Study

This is a live case study approach, which is an approach to a legal event that is still in progress or has not ended.

RESULT AND DISCUSSION

Nowadays, the public is highlighting what is happening within the Indonesian National Police institution. Now the Police are in a transition period. In this case, the importance of seriousness in reforming the Police. There is still warm news circulating in the community regarding the case of the murder of Brigadier Nopriansyah Yosua Hutabarat alias Brigadier J. The public is shocked and disbelieving because the perpetrator of the killing of Brigadier J is also internal to the National Police, where the alleged perpetrator is a 2-star police officer. This case is a case that is not easy and rather complicated because this case involved many parties involved (internally within the Police) both criminally and with a code of ethics, starting from the level of the Bharada to the officer level.

Before the perpetrator was declared a suspect, many believed what was conveyed by the Karo Penmas of the Public Relations Division of the Police. However, after the perpetrator was declared a suspect, there was a difference in statements from the Police. With this, people are confused. It is suspected that the case was engineered to avoid responsibility.

This pattern of case engineering is not the first time this has happened and in general this pattern of case engineering is motivated by a series of acts of violence, torture, and extra judicial killing. Even though Indonesia already has Law Number 5 of 1998 concerning Ratification of the Convention Against Torture, the legislation has not yet become a reference for the occurrence of acts of torture. Even the laws and regulations have been in effect for almost 24 years, but torture events keep repeating themselves and there is no effective prevention mechanism. In this case it has been revealed that the torture was carried out by members of the police. On the other hand, superior officials justify such behavior by taking refuge in the discretionary authority to act in the public interest based on their own judgment. Therefore, there is conditioning to obscure the facts of a legal event. Meanwhile, the nature of institutional arrogance and the solidarity of the forces within the Police, where fellow members of the Police have a tendency to cover up mistakes and even protect each other. Moreover, the perpetrator in the case of Brigadier J's murder was the Head of the Propam Division who was supposed to carry out the function of supervising the police code of ethics.

With the existence of this case, the suspect, the former Head of the Propam Division, was suspected of violating the code of ethics by committing unprofessionalism and abuse of authority, so that the code of ethics trial decided on ethical sanctions, namely the violator's behavior was declared as a disgraceful act, and administrative sanctions in the form of Disrespectful Dismissal (PTDH) as a member of the National Police.

If you look at the duties and authorities of the Police, it is not easy to do the work carried out by the Police. This can be seen in the 1945 Constitution of the Republic of Indonesia, Chapter XII, Article 30 paragraph (4) which reads as follows:

- (4) The State Police of the Republic of Indonesia as a state instrument that maintains security and public order in charge of protecting, protect, serve the community, and enforce the law.

In addition to the above regulations, the duties and authorities of the National Police are also listed in the Decree of the People's Consultative Assembly of the Republic of Indonesia, Number VII/MPR/2000 concerning the Role of the Indonesian National Armed Forces and the Role of the Indonesian National Police, Chapter II, Article 6 paragraph (1) which reads as follows:following :

The Role of the Indonesian National Police :

- (1) The National Police of the Republic of Indonesia is a state instrument that plays a role in maintaining public security and order, enforcing the law, providing protection, and providing services to the community.

There are also duties and authorities of the National Police as stated in Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police, Chapter III Duties and Authorities, Article 13 which reads:

The main tasks of the Indonesian National Police are:

- a). Maintain public security and order;
- b). Enforce the law;
- c). Provide protection, protection, and service to the community.

In the Police System in the world, there are 3 (three) systems regarding the agencies authorized to manage the Police, namely:

1. Centralized Police System;

This system gives authority to the top structure to exercise control (command) over the units below it.

2. Decentralized Police System;

This system has the function of authority and the duties of the Police are limited to the place where the Police are located.

3. Integrated System Policing.

(Moderate Decentralization or Combination System) This system uses work standards set nationally, but the application is decentralized and based on the needs/specificities of the local community.

Basically, the function of the Police already existed before the formation of the Police. This function is inherent and becomes an inseparable part of people's lives. Regarding defense and security, it is necessary to understand, one of which is the participation of citizens in defense and security, which is the right and obligation of every citizen.

Thus the essence of defense and security is the resistance of the people/ citizens to face every form of threat to the safety of the nation and state. In Indonesia there is Pam Swakarsa. Pam Swakarsa is a form of security carried out by those carrying out the functions of the Police which are formed on the basis of the will, awareness and interests of the community itself.

For legal cases that are currently being updated, according to data, there are several members of the National Police who are suspected of being involved in the murder of Brigadier

Joshua (Brigadier J). The members of the National Police are suspected of abusing their authority and being unprofessional in their duties. It turns out that a high rank does not guarantee that a person who has the status of an active member of the Police in the service, is free from legal entanglement. Despite having a high rank, if found guilty, the legal process will still apply. Not only will it end in jail, but will be dishonorably dismissed through the ethics commission trial.

With the presence of several Indonesian National Police members involved in the case, this immediately led to a loss of public trust in the Indonesian National Police institution. The loss of public trust can actually be restored, namely by thoroughly investigating the case of Brigadier J.. With the emergence of the case, a lot of speculation arose among the public and even legal observers who said that there was a Headquarters inside Headquarters. It is analogous to that because there are 2 (two) structures within the National Police.

Human Resources as the first and main factor in the development process and the achievement of organizational goals. Therefore, the importance of the role of human resources in the organization is needed as the main element and element controlling the success of the organization. Human resource management is an important thing and must be done as much as possible. Without doing this properly, of course the organization will find it more difficult to develop and compete with its competitors. Of course, it is not an open secret, if in a good organization there is a good human resource planning system as well. So that to be able carry out the vision and mission of the organization fully, this plan must be made properly and carefully. Even as much as possible done to the maximum. In public organizations, bureaucratic reform is carried out to reform the national bureaucracy in order to improve the performance of state institutions (including the National Police) towards good government, clean and free from KKN (Rustandi et al., 2022).

Public trust in the performance of the Police is an important instrument in measuring the quality of police services. Professional Indonesian National Police personnel and community satisfaction with police services are the foundation of public trust in Indonesian National Police 's performance. Professional Indonesian National Police personnel are indicated by competence and ethical behavior that is expected, desired and needed by the community (Hambali, 2019). Law is the incarnation or manifestation of the soul of the people or nation, *volksgeist*. The explanation of the relationship and attachment between law and the soul of the nation in many literatures is referred to as the copyright of Savigny (Aulia, 2020). Savigny is a very influential figure in legal studies, especially in schools or schools that are categorized as historical law (historical school of law, historical jurisprudence). Historical legal school itself is a legal school that interprets, describes, and explains the complex relationship between legal theory and historiography (Twining, 2009).

Legal problems in Indonesia in terms of law enforcement are experiencing chaos. So it is not wrong if there is an adage "*ubi societas ibi ius*", which means "where there is society, there is law". The law is present in the midst of people's lives, none other than the needs of the community itself in order to create a peaceful, orderly and safe life. In other words, the law has a sacred duty to keep the social reality in society intact. However, when the law is carrying out its duties, it is not uncommon to cause friction with layers in society.

Discussing legal issues will of course always be linked to the enforcement process. The law can mainly be seen in its form through explicitly formulated rules. In the rules or legal regulations there are actions that must be carried out, such as law enforcement (Rahardjo, 2009). Legal wills are carried out through humans on the basis of this vision, humans who carry out law enforcement really occupy an important and decisive position. What is said and promised by the law, will eventually come true through the hands of these people (Kusnu Goesniadhie, 2010), so it can also be said that legal work will be seen by law enforcement

officials in interpreting the law itself. The existence of friction in society a priori can be said to be due to differences in the meaning of law by law enforcement officers.

According to A. M Mujahidin, the downturn in the law in Indonesia is caused by 2 (two) factors, namely the corrupt behavior of law enforcement (professional juris) and the mindset of law enforcers who are still confined in legalistic-positivistic thoughts. The legalistic-positivistic thought or paradigm often violates the dignity of human rights. This was once reminded by A. Karim Nasution in a symposium on law enforcement issues held by BPHN in 1981, that "the principle of respect for human dignity, rights and obligations is often violated in the implementation of law enforcement in our country today (Nasution, 1982), do not let law enforcement become blunt up, but sharp down. This means that law enforcement should not be unfair. The law must be fair, both for actors from the upper middle class, such as: state officials; as well as for actors from the lower middle class, such as: economically disadvantaged people.

Equality before the law seems to only be a sweetener in the law enforcement process in this country. This basic principle of law enforcement has never been consistently adhered to by law enforcers in Indonesia. According to Philippe Nonet and Philip Selznick, criticism of law has always been aimed at the inadequacy of law as a means of change and as a means of realizing substantive justice. The restlessness persists, but now a new record has been uncovered by repeated references to the crisis of legitimacy. Conservative red flags about the erosion of authority, the abuse of legal activism, and the breakdown of "law and order" were shouted in the radical reform movement, particularly in the barren and corrupt rule of law (Nonet & Selznick, 2003).

Law enforcement is part of a nation's efforts to maintain its existence through organizing resources in order to realize the ideals and image of the community contained in its legal system. Therefore, in discussing the issue of law enforcement, several factors are faced, namely (Rahardjo, 1982):

- 1) The values that are maintained in society.

Society or the state is not a shared life that runs without an appreciation of certain values. In dealing with this world of values, the Indonesian people live in the form of a certain structure, namely Pancasila. It is this value system that cybernetically directs activities in society;

- 2) Institutional structures or systems in society that are created to organize resources in order to maintain order.

Order in Indonesia has its own characteristics as a result of its cyber relationship with the value system, namely Pancasila.

Furthermore, according to Fuller, incidents that hinder law enforcement include errors in interpreting the law; deficiency in the ability to maintain legal integrity; desire for power; bribery; and the use of work for personal purposes. The obstacles expressed by Fuller are in accordance with the reality of law enforcement in Indonesia (Al Arif, 2019).

CONCLUSION

Currently, it is necessary to reform the bureaucracy within the Indonesian National Police because things such as, Corruption, Collusion and Nepotism (KKN) practices are still ongoing; The level of quality of public services that have not met the expectations of the community; The level of efficiency, effectiveness, and productivity is not yet optimal; The transparency and accountability of the government bureaucracy is still low; and The level of discipline and work ethic is still low. With the above reasons, the goal of reforming the Police bureaucracy can be achieved. The objectives of this Indonesian National Police bureaucratic reform are as

follows: a. Clean and free of Corruption, Collusion and Nepotism (KKN); b. Increased public services; and c. Can be transparent and accountable.

Police bureaucratic reform can be carried out well, if in its implementation the Police hold fast to their commitments. Implementing this commitment requires support from all parties, such as service officers who are in direct contact with the community and officers who are not directly related to the community.

Problems in reforming the Indonesian National Police bureaucracy include the rejection of the Disrespectful Dismissal (PTDH) decision from the decision of the Indonesian National Police (Polri) professional code of ethics commission from members of the National Police who are suspected of committing criminal acts and/or obstructing the investigation process (*obstruction of justice*). Police officers who rejected the code of ethics decision filed an appeal. They do not accept if they have to be dismissed from the Indonesian National Police (Polri).

The members of the Police who were dishonorably dismissed had made a mistake in interpreting the law; deficiencies in the ability to maintain legal integrity; desire for power; bribery; and the use of work for personal purposes.

Bureaucratic reforms within the National Police are as follows:

Dismissal with Disrespectful Dismissal (PTDH) for members of the National Police who are proven to have violated the Police code of ethics;

Completely investigate cases that are being investigated by the National Police by revealing the *truth* in law enforcement;

Punish the perpetrators in accordance with the applicable laws and regulations and also punish the officers who assist the perpetrators.

By reforming the police bureaucracy, it is hoped that the police can restore the good name of the police in the eyes of the public, both Indonesian and foreign people, and can provide a sense of justice.

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