



ПУБЛИЧНО-ПРАВОВЫЕ (ГОСУДАРСТВЕННО-ПРАВОВЫЕ) НАУКИ/PUBLIC LAW (STATE LAW) SCIENCES

DOI: <https://doi.org/10.60797/LAW.2026.10.1> EDN: NGTBQX**LEGAL IMPLICATIONS OF THE INSTITUTIONAL POSITION OF THE INDONESIAN NATIONAL POLICE UNDER THE PRESIDENT**

Research article

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Suggested: 04.12.2025; Accepted: 11.03.2026; Published: 26.05.2026

Abstract

This article examines the constitutional and institutional position of the Indonesian National Police (POLRI) within the framework of a modern legal state. Historically integrated within the Armed Forces (ABRI), POLRI was formally separated through MPR Decrees No. VI/MPR/2000 and No. VII/MPR/2000, and its status as a state apparatus under the President was reaffirmed by Law No. 2 of 2002. The subordination of POLRI to the President entails significant legal implications, including executive authority over organisational structure, leadership appointments, and operational oversight. While this arrangement facilitates coordination and accountability, it also raises concerns regarding potential executive overreach and the erosion of institutional independence in law enforcement.

The article explores POLRI's dual role as both an administrative organ and a law enforcement agency, highlighting the tension between executive control and judicial function. Drawing on normative theory and comparative analysis with Japan's community-based policing model under the Japanese Police Law of 1954, the study underscores the importance of decentralisation, public trust, and professional autonomy. The concept of restorative justice is proposed as a complementary approach to enhance POLRI's societal function. Ultimately, the article argues that POLRI's position under the President must be balanced by legal safeguards and institutional integrity to prevent abuse of power and ensure the realisation of justice, security, and public welfare. The findings contribute to ongoing discourse on police reform, constitutional design, and the role of law enforcement in democratic governance.

Keywords: legal implication, institutional position, Indonesian National Police, president.**ПРАВОВЫЕ ПОСЛЕДСТВИЯ ИНСТИТУЦИОНАЛЬНОГО ПОЛОЖЕНИЯ НАЦИОНАЛЬНОЙ ПОЛИЦИИ ИНДОНЕЗИИ В ПОДЧИНЕНИИ ПРЕЗИДЕНТУ**

Научная статья

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Предложена: 04.12.2025; Принята: 11.03.2026; Опубликована: 26.05.2026

Аннотация

В данной статье рассматривается конституционное и институциональное положение Национальной полиции Индонезии (POLRI) в рамках современного правового государства. Исторически входящая в состав Вооруженных сил (ABRI), POLRI была официально выделена в отдельное ведомство постановлениями MPR № VI/MPR/2000 и № VII/MPR/2000, а ее статус государственного органа, подчиненного Президенту, был закреплен Законом № 2 от 2002 года. Подчинение POLRI президенту влечет за собой значительные правовые последствия, включая исполнительную власть в отношении организационной структуры, назначения руководства и оперативного надзора. Хотя такая система способствует координации и подотчетности, она также вызывает опасения относительно потенциального превышения полномочий исполнительной властью и подрыва институциональной независимости правоохранительных органов.

В статье исследуется двойная роль POLRI как административного органа и правоохранительного ведомства, при этом особое внимание уделяется противоречию между исполнительным контролем и судебной функцией. Опираясь на нормативную теорию и сравнительный анализ японской модели полицейской деятельности на уровне местных сообществ, предусмотренной Законом о полиции Японии 1954 года, в исследовании подчеркивается важность децентрализации, доверия со стороны общественности и профессиональной автономии. Концепция восстановительного правосудия предлагается в качестве дополнительного подхода к усилению социальной функции POLRI. В конечном итоге в статье утверждается, что подчинение POLRI президенту должно уравновешиваться правовыми гарантиями и институциональной целостностью, чтобы предотвратить злоупотребление властью и обеспечить осуществление правосудия, безопасности и общественного благосостояния. Полученные результаты вносят вклад в текущую дискуссию о реформе полиции, конституционном устройстве и роли правоохранительных органов в демократическом управлении.

Ключевые слова: правовые последствия, институциональное положение, Национальная полиция Индонезии, президент.



Introduction

The modern state is fundamentally envisioned as a sovereign entity, legitimized by the collective will and consensus of its citizenry. Sovereignty, rather than being a mere abstract concept, serves as a formal juridical construct anchored in the principle of “consent of the governed.” This necessitates a cohesive political order, operationalized through institutional apparatuses empowered to govern and regulate state affairs. However, to mitigate the risks inherent in arbitrary exercise of power, such authority must be strictly delineated within a robust legal framework, ensuring that institutional actions remain consistent with constitutional mandates [1]. The foundational legal instrument in this regard is the constitution, which, in the Indonesian context, is the 1945 Constitution of the Republic of Indonesia (hereinafter ‘Indonesia Constitution 1945’).

Integral to the functioning of the state is the existence of state apparatuses tasked with maintaining public order and national security, both internally and externally. In Indonesia, the Indonesian National Police (hereinafter ‘POLRI’) is constitutionally mandated to perform this function within the domestic sphere. Article 30 paragraph [2] and [4] of the Indonesia Constitution 1945 delineate the role of POLRI in unequivocal terms.

Paragraph [2]: stipulates that national defence and security shall be conducted through a universal system involving the Indonesian National Armed Forces and POLRI as principal forces, with the citizenry serving as a supporting force.

Paragraph [4]: further affirms that POLRI, as a state instrument responsible for maintaining public security and order, shall perform the duties of protection, guidance, service to the community, and law enforcement.

These four functions – protection, guidance, service, and enforcement — are not merely operational mandates but constitute the ontological essence of POLRI’s institutional identity. Epistemologically, they form an interdependent matrix; the failure of any one function undermines the axiological objective of securing public safety and order. Thus, the constitutional articulation of POLRI’s duties reflects a normative commitment to a holistic conception of policing, grounded in both legal authority and social legitimacy [2].

The institutional positioning of POLRI under the direct authority of the President is affirmed in Article 7 paragraph [2] of the People’s Consultative Assembly Decree No. VII/MPR/2000 and reiterated in Article 8 paragraph [1] of Law Act Number 2 of 2002 on the Indonesian National Police. This arrangement is ostensibly designed to ensure effective and efficient execution of POLRI’s mandate under presidential oversight. However, recent developments and controversies surrounding POLRI’s conduct have raised critical questions regarding the adequacy of existing oversight mechanisms. In particular, concerns have emerged as to whether POLRI is subject to independent scrutiny and whether its subordination to the President compromises institutional accountability [3].

Against this backdrop, the present inquiry is structured around two principal research questions: (i) How has the constitutional position of POLRI evolved within the Indonesian legal system? and (ii) What are the legal implications of POLRI’s placement under direct presidential control?

Methods

This study adopts a normative legal research methodology, premised on the central juridical issue of normative conflict [4]. The constitutional nexus between the Indonesian National Police (POLRI) and the Executive mandates a rigorous legal inquiry. Consequently, this study adopts a normative legal research framework, primarily utilizing a statutory approach to scrutinize the legislative corpus and organic laws governing POLRI. This is complemented by a conceptual approach, drawing upon established legal doctrines such as the separation of powers and administrative accountability to evaluate POLRI’s institutional standing. Furthermore, a historical approach is integrated to contextualize POLRI’s current legal architecture within the broader trajectory of Indonesia’s state-building. The extracted legal materials are processed through descriptive-analytical methods, employing teleological and systematic interpretation as primary analytical tools. While maintaining scholarly objectivity, this normative inquiry transcends mere doctrinal exposition; it seeks to offer a reform-oriented synthesis aimed at fostering a more coherent and accountable constitutional order.

Result And Discussion

3.1. The Evolution of POLRI’s Constitutional Position in Indonesia

As a sovereign entity, the state necessitates a clearly delineated institutional architecture to ensure political stability and continuity. Such architecture is inherently hierarchical yet functionally interdependent, comprising distinct organs whose respective mandates are constitutionally defined and mutually reinforcing. This conception resonates with Montesquieu’s classical theory of the separation of powers, which posits the division of state authority into executive, legislative, and judicial branches [5].

Building upon this theoretical foundation, the organisation of state institutions must reflect a structured relationship grounded in formal authority and normative practices. In the Indonesian context, this structure is codified in the Indonesia Constitution 1945, which serves as the supreme legal instrument delineating the purpose and function of each institutional component. The regulatory framework governing these institutions is predicated upon the principle of the rule of law, as enshrined in Article 1 paragraph [3] of the Indonesia Constitution 1945.

Given that the state is founded upon law, every institutional entity within its framework must not only participate in the creation of legal norms but also consistently uphold and enforce them. The legislative branch, embodied by the House of Representatives (in Indonesia known as *Dewan Perwakilan Rakyat* — DPR), is vested with the authority to enact legislation, exercise budgetary control, and perform oversight functions. The executive branch, represented by the Presidency, is tasked with implementing laws and administering governmental affairs as mandated by statute. The judiciary, comprising the Supreme Court and the Constitutional Court, is entrusted with adjudicatory powers and operates as an independent organ, free from external interference, as explicitly affirmed in Article 24 of the Indonesia Constitution 1945.

Within this constitutional configuration, the state requires auxiliary institutions to safeguard the operational integrity of its primary branches. These include the military (in Indonesia known as *Tentara Nasional Indonesia* — TNI) and the National Police (in Indonesia known as *Kepolisian Republik Indonesia* — POLRI), which function as instruments of state tasked with



maintaining public order and national security. However, public perception often conflates the role of the judiciary with that of the police, leading to a persistent misconception that POLRI operates under the judicial branch. This misunderstanding is constitutionally unfounded. Article 24 of the Indonesia Constitution 1945 unequivocally stipulates that judicial power is independent and must remain uninfluenced by any other branch of government. Consequently, no institution — including POLRI — may be situated under or subordinate to the judiciary [6].

This clarification is essential to understanding the constitutional positioning of POLRI. It underscores the necessity of distinguishing between institutions that exercise adjudicatory authority and those that perform executive or administrative functions in support of legal enforcement. POLRI, while integral to the enforcement of law, does not possess judicial power and must therefore be situated within the executive domain, subject to constitutional and statutory regulation [7].

Terminologically, the term “police” is defined as a governmental body tasked with maintaining public security and order. Comparing this to the term “police” contained in the Encyclopaedia of Social Sciences, which is:

“The term police in its early definitions has covered a wide range of functions. It has been employed to described various aspects of the control of public sanitation; it has had a highly special meaning with respect to the suppression of political offences; and at times it has been expanded to cover practically all form of public regulation and domestic order. Now, however, it is used primarily with reference to the maintenance of public order and the protection of person and property from the commission of unlawful acts.”

The conceptualisation of the police as a “protector” and as a representative of the people entrusted with the safeguarding of human dignity, as articulated by Wahid [8], underscores the normative imperative that law and human rights must constitute the core content of police functions. This understanding aligns with the constitutional mandate enshrined in Article 30 paragraph [4] of the Indonesia Constitution 1945, which stipulates that the Indonesian National Police (POLRI), as a state instrument responsible for maintaining public security and order, shall perform the duties of protection, guidance, service to the community, and law enforcement. The principal objective of this mandate is the preservation of societal order and security.

Given POLRI’s designation as a state apparatus, its institutional placement under the direct authority of the President is constitutionally affirmed in Article 8 paragraph [1] of Law Act Number 2 of 2002, which states that “The Indonesian National Police shall be under the authority of the President.” This provision reflects a continuation of earlier legal formulations, including the foundational integration of POLRI within the Armed Forces of the Republic of Indonesia (ABRI) during the early 1960’s. This integration was formalised through the enactment of MPRS Decree No. II/MPRS/1960 and subsequently through Law No. 13 of 1961 concerning the Basic Provisions of the National Police. Article 6 of the latter law explicitly declared that “The President shall hold supreme authority over the National Police,” a formulation consistent with the President’s role as Head of State [9].

The current structural configuration of POLRI finds its antecedents in Presidential Decrees No. 46 and No. 60 of 1983, further elaborated in the Commander of ABRI’s Decree No. Kep/11/1992 dated 5 October 1992. These instruments established a bifurcated organisational model comprising the National Headquarters (MABES) and Regional Commands (POLDA). The historical genesis of POLRI is rooted in the struggle for national independence, yet its institutional character has evolved uniquely, particularly during its tenure within the ABRI framework [10].

The reformasi era marked a pivotal transformation in POLRI’s institutional status. The separation of POLRI from ABRI was formalised through Presidential Instruction No. 2 of 1999 concerning Policy Measures for the Separation of POLRI and ABRI. This directive mandated the Minister of Defence and Security / Commander of ABRI to initiate legislative reforms pertaining to national defence and security. The culmination of this process occurred in 2000, when POLRI was definitively detached from ABRI and ceased to operate under the Ministry of Defence and Security. This institutional realignment was consolidated through the enactment of Law Act Number 2 of 2002, which reaffirmed POLRI’s direct subordination to the President.

It must be acknowledged, however, that Law Act Number 2 of 2002 bears substantive resemblance to its predecessor, Law Act Number 28 of 1997 concerning the Indonesian National Police. Despite the formal separation, the continuity in legislative substance suggests a degree of inertia in institutional reform, raising questions about the extent to which POLRI’s operational paradigm has been recalibrated to reflect its new constitutional positioning.

Philosophically, the institutional placement of the Indonesian National Police (POLRI) under the direct authority of the President reflects its character as a state apparatus that operates in a coordinative line with the executive branch [11]. This alignment is intended to ensure the effective realisation of public security, order, and peace through the enforcement of law [12]. Given that POLRI functions within the domain of executive power, its policy orientation, institutional development, oversight mechanisms, and operational directives must be harmonised with governmental policy. This is a legal consequence of the command structure that places POLRI directly under presidential control, thereby facilitating direct accountability and streamlined communication with the Head of State. It is in this context that the essential nature of POLRI’s position becomes evident: it is not a judicial organ, nor should it be construed as such.

From a theoretical standpoint, particularly within the framework of the modern constitutional state — or welfare state — as articulated by Bagir Manan [13], the subordination of POLRI to the President is consistent with the tripartite dimensions of the welfare state: political, legal, and socio-economic. Politically, the welfare state demands limitations on state power to prevent institutional overreach and abuse. Legally, it requires the supremacy of law, the fair, expeditious, and transparent administration of justice, and strict adherence to the principle of legality. Socio-economically, it aspires to realise distributive justice and the general welfare of the populace.

In line with this, Setiyono [14] argues that the welfare state is characterised by a reciprocal relationship between the state and its citizens, wherein the state is obliged to guarantee legal protection, while citizens are bound to obey the law. The state must ensure that its citizens are not subjected to arbitrary treatment, persecution, or deprivation of rights. This necessitates the active presence of the state in resolving legal disputes and protecting its citizens, including those residing abroad. Within this



framework, the government delegates the task of legal protection to law enforcement agencies such as the police, thereby reinforcing the normative foundation of POLRI's role.

At its core, the theory of the welfare state affirms the proactive involvement of the state in various domains — healthcare, labour, education, and policing — ensuring that every individual receives the benefits of state protection. This institutional logic underpins the enduring relevance of POLRI's placement under the President, as it forms part of a broader cycle of state responsibility that fosters social order.

Although the Indonesia Constitution 1945 does not explicitly state that POLRI is under the President — unlike the express provisions concerning the army, navy, and air force — Article 30 [4] provides a constitutional basis for such placement. This is further reinforced by statutory instruments, most notably Law Act Number 2 of 2002. Additionally, the institutional role of POLRI as a state apparatus tasked with maintaining public order is affirmed in Article 6(1) and (2) of MPR Decree No. VII/MPR/2000, which state:

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

(2) In carrying out its role, the Indonesian National Police must possess professional expertise and competence.

This legal construction affirms that no other institution possesses a law enforcement function with a hierarchical line of accountability directly to the President. It underscores that POLRI is the sole institution entrusted with the responsibility of ensuring public order, empowered by statutory authority to regulate societal conduct in accordance with the law. In this context, POLRI plays a pivotal role in the success of governmental administration. It is therefore normatively coherent — and institutionally relevant — that the President may exercise a degree of intervention in the execution of POLRI's duties and functions.

3.2. Legal Implications of POLRI's Institutional Subordination to the President

The institutional alignment of the Indonesian National Police (POLRI) under the direct purview of the President serves as a definitive manifestation of executive power. Nevertheless, a conceptual tension arises when considering its functional paradigm; as a state apparatus, POLRI is mandate-bound to the maintenance of public order and the impartial enforcement of law. This dual identity necessitates a clear demarcation between political executive interests and the professional, objective requirements of internal security governance [7]. Within the framework of the modern constitutional state, POLRI's subordination to the President is designed to ensure societal stability and facilitate coordinated security governance. In executing its mandate, POLRI must remain responsive to the directives of the President, who holds the highest executive power. The President determines the strategic orientation and internal configuration of POLRI, thereby necessitating institutional compliance. This arrangement is normatively supported by Article 8 of MPR Decree No. VII/MPR/2000, which stipulates that the President, in formulating POLRI's policy direction, is assisted by the National Police Council.

Nevertheless, it must be acknowledged that the 1945 Constitution does not explicitly state that POLRI is under the President's command. This stands in contrast to Article 10 of the 1945 Constitution, which affirms that the President holds supreme authority over the Army, Navy, and Air Force — components of the Indonesian National Armed Forces (in Indonesia known as TNI). Based on Article 30 paragraph [4] merely designates POLRI as a state instrument responsible for maintaining public security and order, without specifying its institutional subordination. Thus, the constitutional basis for POLRI's placement under the President is not express but rather inferred through statutory elaboration.

Interestingly, subordinate legislation provides a more definitive articulation of POLRI's institutional status. Article 8 paragraph [1] of Law Act Number 2 of 2002 explicitly states that “The Indonesian National Police shall be under the authority of the President.” This statutory construction situates POLRI within the executive domain, rendering it accountable to the President. As a state apparatus, POLRI is legally obliged to maintain institutional autonomy in formulating, planning, and implementing policing policies, particularly those aimed at preserving public order and security [15].

Moreover, POLRI's direct subordination to the President carries implications for its leadership structure. The Chief of National Police (in Indonesia known as *Kepala Kepolisian Republik Indonesia* — Kapolri) occupies a position equivalent to that of a cabinet minister. As noted by Maria Farida [16], this equivalence underscores POLRI's role as an executive institution that assists the President in the administration of government. Within the conceptual framework of the modern constitutional state, POLRI — under presidential direction — contributes to the realisation of public welfare through the establishment of a secure and orderly environment. The normative objective of governance in such a state is the creation of conditions that are safe, orderly, and conducive for all citizens [17].

In this context, POLRI must develop and implement strategies capable of ensuring societal stability and regulating civil conduct. Its accountability to the President in achieving these objectives entails a hierarchical model of responsibility. This is particularly salient given POLRI's institutional reach, which extends from the national headquarters to regional and sub-regional levels, including district-level commands. Accordingly, the execution of duties by POLRI personnel must be consistent, measurable, and structurally coherent, thereby enabling the effective delivery of public security and contributing to developmental success from the grassroots to the national level.

A salient feature of POLRI's institutional mandate is its function in law enforcement, particularly within the domain of criminal justice. Article 2 of Law Act Number 2 of 2002 affirms that “The police function is one of the functions of state governance in the field of maintaining public security and order, law enforcement, protection, guidance, and service to the community.” This statutory formulation suggests that POLRI's law enforcement role should ideally be exercised with a degree of institutional autonomy, especially in the handling of legal cases. However, neither the Indonesia Constitution 1945, nor the relevant MPR Decrees, nor Law Act Number 2 of 2002 explicitly affirm POLRI's independence in the execution of its law enforcement duties. This omission is particularly significant given that the enforcement of law — especially in criminal matters — encroaches upon the judicial domain.



The absence of an explicit guarantee of institutional independence raises concerns regarding the potential for executive interference, particularly by the President. While Article 8 paragraph [2] of Law Act Number 2 of 2002 provides a normative safeguard by stipulating that POLRI, in performing its duties, is accountable to the President in both preventive and repressive judicial functions, it also emphasises that such accountability must be exercised in accordance with statutory provisions to prevent undue interference that could undermine the integrity of the police as a profession.

Within the conceptual framework of the modern constitutional state, presidential intervention in POLRI's law enforcement activities may be construed as a legitimate exercise of executive authority aimed at ensuring public welfare through the realisation of justice. Such intervention is defensible insofar as it addresses concerns of procedural irregularity or potential injustice in the conduct of law enforcement. This oversight function is also consistent with the broader objective of clean governance, wherein the President, as the apex of executive power, is entitled to demand accountability from POLRI for its legal actions. Moreover, this arrangement may serve to enhance public access to justice, with the President acting as a conduit for citizen grievances and institutional redress [18].

At this juncture, POLRI's institutional identity is reaffirmed as a state apparatus created by the executive branch — not to shield the President, but to assist the citizenry in securing justice and maintaining public order. This role is instrumental in cultivating public trust in governmental institutions. In this regard, POLRI's operational ethos must reflect its foundational philosophy: to protect, guide, and serve the community with integrity and impartiality.

This normative orientation finds further expression in the concept of restorative justice. In appropriate cases, POLRI should facilitate community-based dispute resolution mechanisms that obviate the need for formal judicial proceedings. Such practices are aligned with POLRI's constitutional duties and reinforce its role as a guardian of social harmony. Crucially, these functions must be performed with transparency and sincerity, devoid of corrupt practices or institutional malfeasance.

POLRI's presence within society thus embodies the state's commitment to legal protection and public service. It is a tangible manifestation of the modern constitutional state's responsibility to uphold justice, ensure security, and foster social cohesion. The institutional design and operational conduct of POLRI must therefore reflect the values of accountability, professionalism, and public trust — principles that are indispensable to the legitimacy of law enforcement in a democratic society.

A comparative lens offers valuable insight into the institutional design and normative orientation of policing in a modern constitutional state. The Japanese model, governed by the Japanese Police Law of 1954, exemplifies a decentralised yet community-integrated policing structure. Operationally, the Japanese police system is characterised by two primary modalities: *kōban* in urban areas and *chūzaisho* in rural regions. These units provide 24-hour public service, ranging from assisting with lost property and offering directions to mediating minor disputes. This model reflects the tangible presence of the state within society and embodies the principles of a responsive and service-oriented legal order.

In contrast, the Indonesian National Police (POLRI), under the normative framework of Law No. 2 of 2002, is structurally subordinated to the President. This institutional arrangement entails several legal implications [18]:

1. The President exercises full authority over the organisational structure and administrative operations of POLRI, including recruitment, institutional design, and territorial deployment.
2. The President receives formal accountability reports — both oral and written — from the Chief of National Police (*Kapolri*), and retains the prerogative to seek clarification or verification of such reports.
3. The President holds the authority to appoint and dismiss the Chief of National Police, subject to the approval of the House of Representatives, thereby necessitating a mechanism of checks and balances.
4. In exigent circumstances, the President may suspend the Chief of National Police and appoint an acting official, pending subsequent approval by the House of Representatives. Such exigencies include incapacitation or dereliction of duty.
5. The President determines the procedural framework for the nomination and appointment of the Chief of National Police.
6. The President establishes the National Police Commission (in Indonesia known as *Kompolnas*), which serves as an advisory body on policing matters.

Terminologically, the phrase “under the President” in Article 8 paragraph [1] of Law Act Number 2 of 2002 denotes a subordinate relationship. Drawing on the analysis of Philipus M. Hadjon [19], institutional position may be understood in two dimensions: first, as a comparative status among state institutions; and second, as a functional designation based on core competencies. In this context, subordination implies structural hierarchy and legal accountability. POLRI, therefore, is institutionally situated within the executive branch and subject to presidential control.

This hierarchical configuration underscores the extent of presidential power over POLRI. Ideally, such concentrated authority can serve as a corrective mechanism in instances where internal dysfunction within POLRI threatens public interest or state integrity. However, if unchecked, this same concentration of power may engender arbitrariness and institutional overreach. As Lord Acton famously observed, “Power tends to corrupt, and absolute power corrupts absolutely.” The challenge, then, lies in calibrating executive authority to ensure both effective governance and institutional restraint.

The juxtaposition with the Japanese model reveals a critical distinction: while Japan emphasises decentralised, community-based policing with strong local accountability, Indonesia's model centralises control within the executive. Each model reflects differing constitutional traditions and governance priorities. Nonetheless, the Indonesian experience must remain vigilant to the risks of over-centralisation, and should consider adopting elements of community integration and operational autonomy to enhance public trust and institutional legitimacy.

Conclusion

The Indonesian National Police (POLRI) has historically transitioned from an integrated component of the unified military command under the Armed Forces (ABRI) to an autonomous civilian entity. This structural metamorphosis, precipitated by the post-1998 constitutional reforms, was legally formalized through MPR Decrees No. VI and VII of 2000 and subsequently entrenched by Law No. 2 of 2002. These legislative instruments effectively reconfigured POLRI's legal standing, placing it as



a specialized state apparatus directly accountable to the President. Consequently, this alignment solidifies POLRI's position within the executive hierarchy, distinct from the defense-oriented military framework.

The direct subordination of POLRI to the President generates profound legal and institutional ramifications. Primarily, its integration into the executive branch expands its mandate from conventional law enforcement to a broader spectrum of administrative governance. This hierarchical framework reinforces a strict vertical accountability, where the Chief of Police (Kapolri) answers directly to the Head of State. However, this structure also grants the President substantial prerogative to intervene in police operations — a power that, despite its legal basis, requires stringent oversight to protect institutional impartiality. Furthermore, the executive's formal control over POLRI's leadership and organizational architecture creates a concentration of authority that, in the absence of robust checks and balances, poses a significant risk of administrative overreach and political instrumentalization.

These implications underscore the delicate balance between executive control and institutional independence. While presidential oversight may enhance accountability and policy coherence, it also necessitates robust safeguards to prevent arbitrary interference and preserve the integrity of law enforcement. The challenge for Indonesia's constitutional order is to ensure that POLRI remains a professional, impartial, and publicly accountable institution — one that serves the citizenry, upholds the rule of law, and contributes to the realisation of justice and social order in a modern constitutional state.

Благодарности

Авторы выражают благодарность Сударсоно, Аану Эко Видиарто, Нгести Дви Прасетью — преподавателям и научным руководителям докторской программы юридического факультета Университета Бравиджая.

Конфликт интересов

Не указан.

Рецензия

Все статьи проходят рецензирование. Но рецензент или автор статьи предпочли не публиковать рецензию к этой статье в открытом доступе. Рецензия может быть предоставлена компетентным органам по запросу.

Acknowledgement

Thanks to Sudarsono, Aan Eko Widiarto, Ngesti Dwi Prasetyo, those are my Lecture and Promotor in Doctoral Program at Faculty of Law, Brawijaya University.

Conflict of Interest

None declared.

Review

All articles are peer-reviewed. But the reviewer or the author of the article chose not to publish a review of this article in the public domain. The review can be provided to the competent authorities upon request.

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