



National Police Commission: Limited Authority And Non Maximum Contribution

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Abstract

In every institution, it should have a code of ethics and rules that reference an action that can be taken, in this case, of course, the Indonesian National Police also have their own code of ethics, regarding which there is an institutional figure who basically has the duty to supervise and interfere with the determination of Police policies that can bring this institution to a better direction, The National Police Commission (Kopolnas) was formed with the aim of being able to provide direction and supervision to the National Police institutionally, also highlighting any behavior of members that are not in accordance with procedures so that there is no more irregularities that can damage the image of the National Police itself, but in practice often this one commission is limited in movement, even in some major cases that occur in the National Police often do not present the National Police Commission, this is a question, regarding what are the obstacles for Kopolnas in carrying out their functions, so that this institution cannot work optimally

Key Words: Kopolnas, Obstacles, Authority

1. INTRODUCTION

Polri is an agency or state tool that has been around for a long time and is regulated in a special law, namely Law No. 2 of 2002, in the process of growing this agency into what it is now, many things have happened that have affected their performance and image, violations and irregularities that occur due to the behavior of unscrupulous members make this one agency often get criticism and motions of no confidence from the public, because of factors like this Kopolnas was formed as an external supervisor of the Police, the existence of Kopolnas can be found in the MPR Decree which mentions the Police Agency National,





also contained in Law no. 2 of 2002 concerning the Indonesian National Police, (Law No. 2 of 2002) identity is as an auxiliary state agency to *support*) whose job is to carry out functional supervision of the Police to maintain the professionalism and integrity of the Police. (Presidential Regulation No. 17 of 2011).

The composition of the number of Kompolnas members is 9 people, where each member has a different element or background taken from several layers of society, namely from community elements or community leaders, government elements, and elements from the police themselves, to create a balance and elaboration of each element, as well as providing views from different perspectives so that more and more gaps are found that must be repaired about carrying out the oversight function of Polri.

Seeing that the role of Kompolnas has quite an important position, this institution should have had the courage to respond to cases or problems involving members of the National Police, 2022 there have been several quite large cases that have befallen Polri institutions such as the shooting of Brigadier J by Ferdy Sambo and the case of one of the high-ranking National Police, namely Inspector General Teddy Minahasa, made the name of the Polri institution tarnished, for a long period this incident will certainly remain in the memory.

Re-establish public trust and supporting the return of Polri's dignity with integrity, transparency, and justice is one of the tasks of Kompolnas itself, by giving warnings, recommendations, and policy advice to the National Police, it is hoped that Kompolnas can do the maximum for Polri reform, but in practice, Kompolnas' position in enforcing the code of ethics and providing oversight to the Police is still quite weak.

The extent of the existing work area compared to the number of Kompolnas members is one of the problems that makes Kompolnas unable to work optimally, as previously stated that Kompolnas membership is 9 people, and that already includes the chairperson and deputy chairperson who are also members, this creates room for scope that is too large must be borne by a limited number of personnel, even though those who are elected as members are people who have competence, and pass a series of hand first, but still need more resources to cover all areas, the problem that eventually arises is the uneven distribution of public complaints flowing to Kompolnas, besides that Kompolnas itself monitors a lot of Polri members' movements from the head office, has not been able to go down frequently to each region to supervise and enforce the code of ethics for other members of the National Police, this is one of the weaknesses of Kompolnas which is led by the Coordinating Minister for Politics, Law and Security of the Republic of Indonesia as chairman, and is responsible to the president (Presidential Regulation No. 17 of 2011).





Therefore the author is interested in explaining and highlighting what is the problem in Kompolnas so that their performance results are quite slow, are they internal factors? Or also factors that influence from outside the institution? Or are there rules that limit the movement of Kompolnas? Because if it is understood carefully through the explanation above, the presence of Kompolnas should be a supporting factor for the success of the National Police in carrying out the transformation towards a better direction.

2. RESEARCH METHODS AND DATA COLLECTION TECHNIQUES

This paper uses normative research, through a review of every regulation, available rules, as well as application in the field, and will then be combined with literature studies as well as literature studies through analysis of related papers, journals, books, print media, as well as online news. with Kompolnas as well as information related to Kompolnas inhibiting factors, cases, evaluations, and breakthroughs made by Kompolnas institutions. The intended target data is related to cases and information related to the authorities, main tasks, and functions of Kompolnas which must be limited by factors in the field.

3. DISCUSSION

3.1 Existence of Kompolnas on the Importance of Supervision and Enforcement Indonesian Police Ethics

First of all the author would like to convey in advance that the existence of Kompolnas is a technique or a breakthrough in carrying out supervision evenly or focused supervision, if we return to the theory of separation of powers (*separation of power*) then of course we will remember that this theory is in the most general scope is division of powers legislative, judiciary, and executive, or what is commonly referred to as political *trials with* the aim that no concentration of power can lead to abuse of power, also to fulfill the mechanism check *and balance* towards each institution so that some duties and authorities will always be attached to each institution which ultimately must make them build relationships between institutions. (Miriam Budiardjo, 2008)

Furthermore, in a separation of powers, there are the terms Main State Institutions and Supporting State Institutions (*auxiliary state organ*), based on what was conveyed by Prof. Jimly Asshiddiqie that the phenomenon of supporting state institutions is a new method after the 1945 Constitution was amended, the main objective is to carry out the functions of state power which have not yet been or are not owned by the main state institutions, even so, the existence of these supporting institutions does not make it automatically fall into the category of power political *trials*. (Asshiddiqie, 2006).





The country's development and technological progress can be said to be one of the factors that the country needs an organ that can respond to future challenges, several main state institutions of course have carried out many duties and authorities, and this has raised concerns that in the future this task will not be fulfilled. and problems within the state are getting more and more chaotic, it is necessary to have supporting state institutions that specifically deal with certain tasks.

Seeing that it is important to supervise and enforce the code of ethics against the Police, from here the government formed Kompolnas. The function of the budget and accountability by the National Police, Kompolnas carries out supervision that leads to its functional or in simple terms supervision of technical matters.

Article 3 of Presidential Regulation No. 17 of 2011 concerning the National Police Commission explains that; a. Paragraph (1) Kompolnas carries out functional supervision of Polri's performance to ensure Polri's independence. b. The implementation of the functions referred to above is through activities and monitoring to assess the performance and integrity of the Police by statutory regulations.

If it is also examined, the formation of Kompolnas has passed and fulfilled several conditions, in the sense that in forming a new institution it must first determine its functions and duties based on the constitution, after ensuring that the functions and duties have been fulfilled then furthermore ensuring that this institution will have in line with the goals of the state, this process must work so that later the new institution that has been formed can run well according to its dignity, Kompolnas itself has also undergone changes in the Presidential Decree from Presidential Decree 17 of 2005 to Presidential Regulation of 2011, this indicates that there have been improvements made in terms of regulations so that can run even more optimally, even though in fact if it is withdrawn this year (2023) the regulation is feasible to be renewed again.

3.2 Kompolnas work processes and task inhibiting factors within Kompolnas

The increase in cases involving members of the police in the country is enough to make the Police shake because this is as if a storm is being hit when it comes and will not let up, even so, it is necessary to remember again that every violation that occurs is the result of irresponsible behavior in an unscrupulous member, but still, this indicates that some holes and gaps shouldn't exist, all of this should be able to cover up with an emphasis on upholding the Polri code of ethics and increased supervision, as well as imposing serious sanctions on any violation so that every member who wants to violate must think twice because of sanctions that are not mere figments.





In this regard, the state is trying to be present by forming Kompolnas, this institution works with analysis and is directly involved in monitoring and collecting data or materials that can later be given to the President. To Kompolnas itself, the results of analysis and data collection that were previously carried out will be used as a single unit as material for reports and suggestions to the President for making improvements to Polri such as developing members (human resources), developing budgets, determining and developing new policies, as well as developing Police facilities and infrastructure.

Although currently Kompolnas is still centralized or centralized, this institution tries to reach further suggestions and input from the community, development is carried out by creating a direct website belonging to Kompolnas so that it can be used as a single door for complaints and making it easier for the public to submit reports regarding Polri's actions wherever they are, both reports of excessive and unnecessary repressive measures, abuse of authority, violations of discipline, indications of corruption, and suboptimal service (Kompolnas website can be accessed in www.kompolnas.go.id/hubungi-kami).

3.3 Kompolnas Position as a Third Layer State Institution

This section will highlight the weaknesses of Kompolnas in its position as an institution that supervises the National Police, as previously discussed that in a country there are main state institutions, as well as auxiliary or supporting state institutions, while Kompolnas is included in the category of supporting institutions.

Referring to what was conveyed by Yulianto that at that point the main state institutions are the President, DPR/MPR, Supreme Court, Judges and Prosecutors, Police, TNI, and Bank Indonesia. (Yulianto) When examined the first three are a Trias Politica, and the other is an independent institution without dominating control from all sides, these are also called the first organs of state institutions.

Furthermore, according to Prof. Jimly Asshiddiqie has a second organ of state institutions, namely types of institutions that have specific criteria in their duties, namely the KPU, Komnas HAM, Ombudsman, and so on. This second tier is called a supporting state institution (derivative organ) which also basically has to be independent and unrelated to the legislative and executive powers, (Jimly Ashiddiqie. 1995) This second tier institution shows that there is a new democratic step towards state instruments so that they can work more optimally.

Finally, the authors refer to it as a third-tier state institution, with the following criteria: (Lukman Hakim, 2009).

1. Institutions or commissions established by law;





2. Institutions and commissions within the government (executive);
3. Institutions and/or commissions that are independent but based on the constitution;
4. Institutions and commissions in the neighborhood of another executive (government);
5. Institutions, legal entities, and state-owned cooperatives are formed for the benefit of the state and other public interests.

It can be seen that Kompolnas falls into the criteria for third-tier institutions, in several points that the authors describe above Kompolnas fulfills 2 criteria at once namely on the second and fourth points, of course this can be said to be a weakness for Kompolnas because of course the authority it has is limited and its position as an institution among others must be recognized or not authoritative the second layer, this more or less illustrates the position of Kompolnas as a supporter of supporting institutions, because in supervising the National Police the DPR has the authority, if you want to carry out supervision in financial matters you can ask the BPK (financial supervisory agency) as a second-tier institution, this is one of the weaknesses for Kompolnas.

3.4 Juridical Weaknesses

Referring to the hierarchy of legislation, in this case, the Presidential Regulation can certainly be said to be under other regulations, based on Presidential Regulation No. 17 of 2011 it can be said that Kompolnas is very weak if other regulations are under it, and alluding to the authority of Kompolnas, then it's over.

In Perpres No.17 it is conveyed that the authority of Kompolnas is to carry out the oversight function, Kompolnas carries out monitoring and assessment, from the word-for-word analysis it can be concluded that the element of execution from Kompolnas as a supervisor is almost nil, the supervision carried out is not binding, let alone to the effect deterrent to violators who tarnish the Polri institution, this institution can only provide reports and the results of their analysis to the president.

Seeing the explanation above it can be said even more that the existence of this institution is only an element of policy-making for the police, looking at the composition of Kompolnas members whose composition includes all elements (Polri, Government, Society) it is increasingly clear that in policy-making later, there will be all opinions from each factor so that all opinions and views can be integrated, also elements of the community in Kompolnas are expected to provide an increase in the image of the Police and support changes or transformation of the Police.





3.5 Inequality of Responsibilities With Limited Resources

The author sees that the existence of Kompolnas is expected to help the National Police towards more established institutions with a big responsibility, maybe this is embedded in every community who hears that Kompolnas' job is to carry out supervision, then what comes to mind is a supervisor who has authority and can take action on the object being supervised, but the fact is not the case, Kompolnas must collide with the limited authority. The legal basis for its formation is not strong enough, the budget is limited, the recruitment and number of members, and the structure within Kompolnas is still not solid, the imbalance in the number of members is one of the important points that the author mentioned earlier, how is it possible that Kompolnas is not hampered in carrying out supervision if troops owned only a few but the area of responsibility is throughout Indonesia? Even though every Kompolnas commissioner may have worked hard, when measured by the scope of one country, it is still far from the maximum.

M. Nasir conveyed that Kompolnas can become a tiger without teeth, can only roar but cannot pounce, the existence of the Polri institution which is bigger than Kompolnas itself shows an unequal position, in the end, the difference in levels which are so far apart makes Kompolnas unable to act there are many, therefore it would be good if Kompolnas could be raised to a level, namely having a legal basis in the form of a law, with the existence of a law that specifically becomes the basis for Kompolnas it will certainly have a big impact like what has been done by several countries in the world. (M. Nasir in a hearing meeting with DPR).

In addition to the several factors above, it turns out that the composition of Kompolnas membership led by a person who concurrently holds the position of Coordinating Minister for Politics, Law and Security creates a downside. Independent, this term is referred to as a government representative (*ex-officio*), duties and responsibilities of *ex-officio* come directly from the president, in this case, Kompolnas which has the Marwah to carry out supervision or what can be called checks and balances feels that it is not optimal if it is drawn from this factor, because Kompolnas is far from being independent, this happens because if there are factors that make the president changes his decisions and policies, then this government representative institution will also definitely change, there is no need to talk too much about Kompolnas because the chairman himself who also doubles as a minister is a position where his every move is fixated on the right prerogative president.





4. SUGGESTIONS AND CONCLUSIONS

Based on what has been described above, it can be seen that Kompolnas was created as an institution that has a special Marwah, namely as a supervisor in creating a good working environment for the Police, as well as supporting the creation of more advanced Polri reforms, but the process of creating this institution and the legal basis from Kompolnas is still very premature, there is no guarantee that Kompolnas decisions and recommendations are absolute and independent, as a "three-tier" state institution Kompolnas has a weak position, their actions must collide with the limits of authority that are not so broad, in the future, Kompolnas should be able to rise to become a state institution based on a strong legal umbrella, namely laws so that their position and power increase in scope.

Apart from that, the resource factor, as well as the vastness of the country which is so far away, shows inequality for Kompolnas, they have to struggle to respond to all complaints from the community that comes in, and they are getting less and less optimal when Kompolnas can only provide recommendations without execution, so that if something happens, Kompolnas cannot immediately take action to deliver shock *therapy*, this is not enough for Kompolnas to work optimally, even in depth Perpres No. 17 of 2011 Kompolnas can only be involved in trials, court cases, and commission hearings if they are involved (invited), the existence of a leader who holds two positions is also a separate issue related to the independence possessed by Kompolnas.

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