

Operational Independence, Democratic Accountability, and Precision Policing in Indonesia

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Abstract

Indonesia's police-governance debate is often framed as a choice between direct presidential control and full institutional separation. That binary overlooks the more precise legal question: how democratic policy direction can coexist with professional independence in case-specific policing decisions. This article examines the constitutional and administrative position of the Indonesian National Police (Polri) after Law Number 5 of 2026, using qualitative normative legal research with statutory, conceptual, and structured comparative approaches. Primary legal materials include the 1945 Constitution, the relevant People's Consultative Assembly Decrees, the Police Law and its latest amendment, regulations on Polri and Kopolnas, and Constitutional Court Decision Number 114/PUU-XXIII/2025. Japan, Germany, and England and Wales are compared because they represent distinct arrangements for collegial buffering, territorial distribution of police authority, and an express separation between political accountability and operational command. The analysis finds that Indonesian law has strengthened professionalism, neutrality, internal supervision, and Kopolnas, while leaving the meaning and limits of Polri's position "under the President" insufficiently specified for case-specific intervention. The article proposes a two-level institutional boundary test that distinguishes lawful democratic control over legislation, general priorities, budgets, appointments, and public accountability from prohibited directions concerning identifiable investigations, evidence assessment, or case outcomes. Its novelty lies in translating that distinction into an integrated safeguards package for Presisi: a statutory anti-interference rule, a written-direction register, reinforced external oversight, conflict-of-interest controls, merit safeguards, and reviewable implementation indicators. The proposal does not remove civilian control; it makes such control legally bounded, auditable, and compatible with evidence-based, proportionate, transparent, and procedurally fair policing.

Keywords: Indonesian National Police, operational independence, democratic accountability, police oversight, comparative policing, Presisi

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INTRODUCTION

The constitutional position of the police cannot be evaluated solely by asking which state organ stands above it in an organisational chart. Police institutions exercise coercive powers, investigate criminal allegations, regulate public order, and provide services that directly affect liberty, equality, and political participation. A democratic system must therefore pursue two objectives at the same time: the police must remain subject to lawfully constituted civilian authority, yet particular investigations and enforcement decisions must not become instruments of partisan advantage. The institutional problem is one of bounded authority rather than absolute independence.

In Indonesia, Article 30(4) of the 1945 Constitution identifies Polri as a state instrument responsible for maintaining security and public order, protecting and serving the public, and enforcing the law. The post-reformasi separation of the military and police was constitutionally and politically consolidated through People's Consultative Assembly Decrees Number VI/MPR/2000 and VII/MPR/2000. Law Number 2 of 2002 subsequently placed Polri under the President and made the Chief of the Indonesian National Police (Kapolri) responsible to the President. This arrangement affirmed civilian supremacy after the police had been integrated within the armed forces, but it did not fully specify the legal boundary between legitimate presidential policy control and impermissible influence over individual law-enforcement matters (People's Consultative Assembly of the Republic of Indonesia, 2000a, 2000b; Republic of Indonesia, 1945, 2002).

The legal setting changed materially in 2026. Law Number 5 of 2026, the Third Amendment to Law Number 2 of 2002, strengthened provisions concerning Kapolri's authority, professional and accountable policing, internal supervision, political neutrality, appointments outside the police organisation, human-rights and democracy content in professional education, and Korpolda. The amendment did not, however, alter Article 8, under which Polri remains under the President. Consequently, contemporary analysis cannot proceed as though the 2002 statute were unchanged, nor can it assume that formal separation is the only available reform. The relevant inquiry is whether the amended statutory framework contains sufficiently clear, enforceable, and reviewable safeguards against case-specific political intervention (Republic of Indonesia, 2026).

Indonesian scholarship has documented the incomplete character of police reform, including persistent politicisation risks, organisational legacies, accountability gaps, and the difficulty of converting structural change into professional practice (Haripin & Siregar, 2016; Sufriadi, 2024). Recent work has also examined legitimacy, procedural justice, community policing, human-resource reform, and the relationship between police performance and public evaluation in the Indonesian context (Adhikara et al., 2024; Adhikara & Putranto, 2026; Fitrianto et al., 2025). These studies are essential, but they do not by themselves provide a doctrinal test for distinguishing lawful democratic direction from unlawful intervention in particular cases.

A separate body of literature examines police accountability and operational independence in other jurisdictions. Research on England and Wales shows that elected accountability can create productive scrutiny but also recurring disputes over the boundary between strategic direction and operational command (Davies & Johnson, 2016; Derfoufi, 2023; Lister, 2013; Loveday, 2018; Shannon, 2021). Comparative oversight scholarship further demonstrates that civilian bodies differ greatly in mandate, access to information, investigative capacity, remedial authority, and institutional independence; the existence of an oversight body alone does not guarantee effective accountability (Cooper, 2023; Kim, 2022; Savage, 2013; Shilston, 2016; Stelkia, 2020).

A third literature addresses evidence-based policing, procedural justice, and police legitimacy. Evidence-based policing concerns the disciplined use of the best available knowledge in selecting and evaluating interventions, while procedural justice concerns the fairness, neutrality, respectful treatment, and voice experienced in police encounters (Bullock & Tilley, 2009; Klose, 2024; Scrase, 2021). Empirical studies associate procedurally just treatment with legitimacy, although the strength, direction, and cultural expression of that relationship remain context-dependent and should not be reduced to a universal causal formula (Perry, 2024; Pósch, 2021; Sahin et al., 2017; Sunshine & Tyler, 2003). The institutional conditions under which officers can consistently apply evidence, proportionality, and fair procedure nevertheless remain underdeveloped in the Indonesian legal debate.

The research gap lies at the intersection of these three discussions. Existing Indonesian reform studies identify organisational and political vulnerabilities; accountability studies describe oversight arrangements; and policing scholarship explains evidence, fairness, and legitimacy. What remains insufficiently specified is a legal-institutional boundary that preserves democratic civilian control at the policy level while protecting identifiable cases from extralegal direction, together with safeguards capable of making that boundary operational within Polri's *Presisi* agenda. Without such a boundary, "independence" may be misunderstood as

freedom from accountability, while "civilian control" may be interpreted too broadly to include influence over investigative targets, evidence, or outcomes.

This article asks: how should Indonesian law distinguish legitimate democratic control of Polri from prohibited case-specific political intervention, and which institutional safeguards can support that distinction without weakening accountability or public-security coordination? Its objective is not to prove that executive control has caused particular enforcement outcomes. A normative-comparative study cannot establish that empirical proposition. Instead, it identifies structural vulnerability, tests the coherence of existing safeguards, and develops legally feasible reform alternatives.

The article's novelty is a two-level institutional boundary test. At the first level, democratically legitimate control includes legislation, general policing priorities, budget authorisation, service standards, transparent appointment processes, reporting duties, inspection, and ex post review. At the second level, prohibited intervention includes directions intended to target or protect an identifiable person or group, alter the lawful sequence or substance of an investigation, dictate the assessment of evidence, accelerate, delay, suspend, or terminate a case for an extralegal purpose, disclose protected case information, or condition careers and resources on a desired case outcome. Between these levels lies a limited category of operational policy decisions, such as public-order planning and inter-agency emergency operations, which must be based on law, recorded in writing, proportionate, time-limited, and open to independent ex post review.

This distinction is then translated into a safeguards package for Presisi. Presisi is Polri's institutional program of predictive, responsibility-based, transparent, and just policing (Indonesian National Police, 2021). It is not identical to the academic concept of precision policing, and neither concept is synonymous with predictive policing. For this article, substantive precision means decision-making that is legally grounded, evidence-informed, proportionate to risk, procedurally fair, transparent enough to be audited, and accountable for error. Institutional safeguards do not automatically produce those qualities, but they reduce the risk that relevant evidence and legal standards will be displaced by unauthorised external interests.

Research Design and Method

This study is qualitative, normative and comparative legal research. Its object is the distribution and control of public authority over Polri, with particular attention to the distinction between general policy direction and case-specific operational decision-making. The statutory approach examines the 1945 Constitution, People's Consultative Assembly Decrees Number VI/MPR/2000 and VII/MPR/2000, Law Number 2 of 2002 as amended most recently by Law Number 5 of 2026, regulations governing Polri's organisation and Kompolnas, and Constitutional Court Decision Number 114/PUU-XXIII/2025. Primary materials are interpreted through textual, systematic, historical, and purposive reasoning. Secondary materials consist of peer-reviewed research on Indonesian police reform, democratic policing, accountability, evidence-based policing, procedural justice, and comparative institutional design (Constitutional Court of the Republic of Indonesia, 2025; President of the Republic of Indonesia, 2010, 2011; Republic of Indonesia, 2002, 2026).

Materials were searched for the period January 2016-July 2026 through Crossref, Google Scholar, publisher databases, and official legal portals, using combinations of the terms "Indonesian police reform," "Polri institutional position," "police operational independence," "democratic police accountability," "civilian police oversight," "precision policing," "evidence-based policing," "procedural justice," "National Public Safety Commission," "German police federalism," and "Policing Protocol Order." Earlier sources were retained only when they were foundational to operational independence, police accountability, or procedural justice. Inclusion required a verifiable legal text, official institutional document, or peer-reviewed source directly addressing the analytical dimensions. News reports, unattributed survey figures, unverifiable references, and sources that did not support the proposition for which they were cited were excluded.

Japan, Germany, and England and Wales were selected through a most-different-systems logic rather than as models to be copied. Japan illustrates a collegial public-safety commission positioned between political leadership and national police administration; Germany illustrates constitutionally distributed police

competence between the Federation and the Länder, supplemented by parliamentary and judicial accountability; and England and Wales provides an express legal vocabulary separating elected strategic accountability from chief-constable operational independence, together with an independent complaints body. The jurisdictions are compared across the same dimensions: constitutional structure, institutional position, appointment, policy direction, operational independence, safeguards against case-specific intervention, complaints and discipline, parliamentary accountability, budget oversight, and judicial review.

The analytical procedure has four steps. First, the Indonesian legal framework is reconstructed after the 2026 amendment. Second, legitimate control and prohibited intervention are distinguished by reference to legality, institutional competence, specificity, purpose, process, and reviewability. Third, comparable safeguards are identified in the selected jurisdictions and separated into transferable principles and context-bound institutions. Fourth, reform options are assessed for constitutional feasibility, administrative feasibility, accountability value, politicisation risk, transition cost, and measurable implementation. The study is limited to normative and institutional analysis; it does not measure the prevalence of political intervention or estimate the causal effect of a particular model on trust, misconduct, or crime control.

DISCUSSION

Polri's Constitutional and Statutory Position after the 2026 Amendment

The 1945 Constitution establishes both democratic authority and legal constraint. Article 1(3) defines Indonesia as a state based on law, Article 4 vests governmental power in the President, and Article 30(4) assigns Polri the functions of public security, protection, service, and law enforcement. Read together, these provisions do not create a police institution outside civilian government. They require public power, including police power, to be exercised under law and through institutions whose authority is defined, limited, and reviewable.

The post-2000 separation of the TNI and Polri was designed to differentiate defence from domestic law enforcement and to consolidate civilian supremacy. People's Consultative Assembly Decree Number VI/MPR/2000 separated the institutions, while Decree Number VII/MPR/2000 defined their respective roles. Law Number 2 of 2002 then placed Polri under the President. The phrase "under the President" has organisational significance, but it should not be interpreted as an unlimited authorisation for any executive actor to direct any police decision. The President's constitutional authority must still be exercised through statute, lawful instruments, and accountable administrative processes.

Law Number 5 of 2026 materially strengthens the governing framework. Among other matters, it emphasises professionalism, proportionality, transparency, accountability, and internal supervision; confirms political neutrality; regulates positions outside the police organisation; expands professional education concerning human rights and democracy; and reinforces Kompolnas. The amendment also clarifies Kapolri's role in determining and controlling technical police policy and leading operational policing. These provisions support the proposition that professional operational authority is institutionally located within Polri, even while general political responsibility remains connected to the President.

The amendment's significance is twofold. First, it rejects an account of the Police Law as static and demonstrates that the legislature has chosen incremental safeguards while retaining the formal Article 8 arrangement. Second, it exposes a remaining ambiguity: the statute regulates neutrality and supervision but does not comprehensively define prohibited case-specific interference, a lawful channel for written executive direction, or a remedy when an officer receives an improper instruction. The gap is therefore not the total absence of safeguards; it is the absence of a sufficiently operational boundary between policy authority and case authority.

Kompolnas remains central to that assessment. Under the Police Law and Presidential Regulation Number 17 of 2011, Kompolnas advises the President on the direction of police policy and the appointment or dismissal of Kapolri and receives public complaints concerning police performance. The 2026 amendment strengthens its statutory position, but its placement under and responsibility to the President and its predominantly advisory character limit its capacity to serve as a wholly independent investigator of serious interference allegations. Strengthening Kompolnas therefore requires attention not merely to additional tasks, but to membership safeguards, access to information, reasons-giving, publication, conflict rules, and the relationship between inquiry and disciplinary or criminal processes.

Constitutional Court Decision Number 114/PUU-XXIII/2025 is also relevant because it narrowed the explanation of “positions outside the police” by invalidating the phrase that permitted positions unrelated to policing merely because they were based on a Kapolri assignment. Law Number 5 of 2026 subsequently introduced Article 28A governing outside appointments, and constitutional challenges to that provision were pending at the research cut-off date. The decision and subsequent litigation demonstrate that institutional boundaries, conflict of interest, and the status of active officers in civilian positions are not peripheral administrative questions; they affect neutrality and the perceived separation between professional policing and political administration.

Table 1 summarises the current regulatory position and the unresolved issues identified through normative analysis. The final column does not assert that a violation has occurred. It identifies legal design questions that remain open after the 2026 amendment.

Table 1. Indonesian legal framework and unresolved institutional safeguards

Legal component	Current legal position	Accountability value	Unresolved design question
Constitutional mandate	Article 30(4) defines Polri as a state instrument for security, protection, service, and law enforcement.	Places policing within constitutional government and the rule of law.	How should policy control be distinguished from influence over identifiable cases?
Institutional position	Article 8 of Law No. 2/2002 retains Polri under the President.	Provides a clear line of democratic responsibility.	What form, purpose, and record are required for lawful presidential direction?
Operational leadership	The amended Police Law confirms Kapolri’s technical-policy and operational leadership.	Locates professional command within Polri.	What remedy applies when a direction conflicts with law, evidence, or professional standards?
Professional standards	Law No. 5/2026 strengthens professionalism, proportionality, transparency, accountability, neutrality, and internal supervision.	Creates standards against which decisions can be assessed.	Which external body can independently examine serious or systemic non-compliance?
Kompolnas	Advises the President, contributes to policy and Kapolri selection, and receives public complaints; its role is strengthened in 2026.	Adds civilian input and external scrutiny.	How can independence, information access, publication, and follow-up be secured without creating operational command?

Legal component	Current legal position	Accountability value	Unresolved design question
Outside appointments	Decision No. 114/PUU-XXIII/2025 narrowed the former explanation; Article 28A now regulates outside positions.	Recognises conflict-of-interest and neutrality concerns.	Which functions are sufficiently related to policing, and what recusal and disclosure rules apply?

Source: Authors' analysis based on the legal and institutional materials cited in the text.

A Boundary between Democratic Control and Case-Specific Operational Independence

Operational independence is not a claim that police should be immune from legislation, budgets, judicial orders, prosecutorial coordination, parliamentary scrutiny, audit, discipline, or public complaint. It is a narrower principle: decisions that apply law and evidence to an identifiable case should be made by legally competent officials for legally relevant reasons. The principle is therefore compatible with strong democratic accountability, provided accountability is exercised through general rules, transparent priorities, independent review, and lawful remedies rather than covert or informal commands.

The proposed boundary test uses six cumulative considerations. The first is legal basis: a direction must be traceable to constitutional or statutory authority. The second is competence: it must be issued by the institution authorised to decide the matter. The third is specificity: the more a direction identifies a person, group, investigation, evidentiary issue, or desired outcome, the more closely it approaches prohibited intervention. The fourth is purpose: public safety, legality, and coordination are distinct from partisan benefit, personal protection, retaliation, or selective disadvantage. The fifth is process: lawful directions should be written, reasoned, recorded, and disclosed to appropriate oversight bodies. The sixth is reviewability: affected officials and oversight institutions must be able to challenge or examine the direction without retaliation.

At the policy level, democratic authorities may enact police legislation, determine general national priorities, authorise budgets, establish service standards, set transparent qualifications for senior appointments, require performance reports, and commission audits. They may also coordinate emergency responses and set general objectives for crime prevention, public order, or victim protection. These forms of control are legitimate because they are general, prospective, publicly attributable, and reviewable. They become problematic when an apparently general priority is used as a disguised instruction concerning a named political opponent, supporter, company, organisation, or proceeding.

At the case-specific level, a statutory anti-interference clause should prohibit any person from directing a police officer, for an extralegal purpose, to commence, refrain from commencing, prioritise, delay, suspend, terminate, or alter an investigation or enforcement action concerning an identifiable person or event. It should also prohibit directions concerning the inclusion, exclusion, characterisation, or assessment of evidence; disclosure of protected case information; selective deployment intended to confer partisan advantage; and adverse career, budget, or disciplinary consequences imposed to secure a predetermined case outcome. The rule should bind political office-holders, police superiors, civil servants, and private intermediaries.

A legal prohibition without a reporting mechanism would be largely symbolic. Polri should therefore maintain a confidential lawful-direction register for high-level strategic and operational-policy instructions. The register should identify the issuing authority, legal basis, objective, scope, duration, implementation unit, and review arrangements, while protecting operationally sensitive information. Officers receiving a suspected improper instruction should have access to a protected internal legal channel and an external escalation route. Retaliation should constitute a separate disciplinary violation, and allegations involving criminal conduct should be referred to the legally competent investigative authority.

The difficult category is neither general policy nor a single investigation but the “policy of operations”: protest policing, election security, disaster response, inter-agency operations, cyber incidents, and national-security emergencies. These matters require political coordination and may affect operational deployment. A categorical prohibition on executive involvement would be unrealistic. The appropriate safeguards are a clear legal mandate, written objectives, proportionality, temporal limits, recorded command responsibility, protection of investigative discretion, and ex post review by institutions with access to operational records.

This framework avoids two errors. The first is equating operational independence with the absence of democratic control, which could permit an unaccountable coercive institution. The second is equating formal executive responsibility with an unlimited power to shape case outcomes. The boundary is functional: it asks what decision is being made, by whom, for what purpose, through which procedure, and subject to what review.

Presisi, Precision Policing, Evidence, and Procedural Justice

Conceptual clarity is necessary because Presisi and precision policing operate at different levels. Presisi is an official Polri program expressed through the principles of predictive policing, responsibility, transparency, and justice and implemented through organisational, operational, public-service, and supervisory transformation (Indonesian National Police, 2021). Academic precision policing, by contrast, is not a single settled doctrine. In this article, it refers to the disciplined alignment of police authority, information, intervention, and accountability so that coercive action is no broader than law and verified risk requires.

Evidence-based policing is one component of that account. It requires decision-makers to identify relevant research and operational information, evaluate quality and context, explain why an intervention is appropriate, and learn from outcomes. It is not rule by statistics and does not eliminate professional judgment. Klose (2024) argues for a broader understanding in which evidence is integrated with organisational knowledge and decision processes rather than treated as a mechanical hierarchy. Institutional independence matters because evidence can guide decisions only when officers are able and required to give legal and evidentiary reasons that are not displaced by unauthorised demands.

Predictive policing is narrower and more controversial. It uses data or analytic models to anticipate locations, events, or risks. Predictive tools can support resource allocation, but they can also reproduce reporting disparities, historical enforcement patterns, or opaque assumptions. Presisi should therefore not be interpreted as a mandate to maximise algorithmic prediction. Any predictive application requires a legal purpose, data-quality controls, bias assessment, human review, explanation, security safeguards, periodic validation, and a remedy for materially affected persons.

Procedural justice concerns how authority is exercised. Voice, neutrality, respectful treatment, and trustworthy motives influence whether police encounters are perceived as fair, but comparative and Indonesian research cautions against assuming an identical relationship across all settings (Adhikara & Putranto, 2026; Hough et al., 2010; Perry, 2024). For institutional design, the important point is not a deterministic promise that a safeguard will create trust. It is that transparent reasons, consistent standards, complaint review, and protection from extralegal interference make procedurally fair practice more institutionally supportable and auditable.

The relationship proposed in this article is therefore conditional rather than automatic. Institutional safeguards can protect professional judgment; protected judgment can make it more feasible to apply law, reliable evidence, and proportionality; those decision standards can support fair procedure and transparent reasons; and effective review can correct error and expose misconduct. Public legitimacy may be strengthened when these practices are visible and credible, but that effect must be tested empirically. The normative contribution is to identify the institutional preconditions and accountability mechanisms, not to claim a measured causal effect.

Substantive precision policing can accordingly be assessed through five questions: Was the intervention legally authorised? Was it based on relevant and sufficiently reliable information? Was the degree of coercion proportionate to the verified risk? Were affected persons treated through fair and explainable procedures? Was the decision recorded and open to effective review? A reform of Polri's relationship with executive power is relevant only insofar as it improves the reliability of these answers. Institutional restructuring that merely moves authority to a different office, without reasons, records, conflict rules, and review, would not advance precision.

Comparative Institutional Safeguards

Comparative law is useful here as a disciplined method of identifying institutional functions, not as a catalogue of foreign solutions. Japan, Germany, and England and Wales differ in constitutional form, administrative tradition, territorial organisation, political accountability, and police history. Their institutions are not transplantable as complete packages. They nevertheless illuminate three relevant functions: buffering political authority through a collegial body, distributing police power territorially and functionally, and expressly distinguishing strategic accountability from operational command.

Japan's Police Act establishes the National Public Safety Commission (NPSC) and the National Police Agency (NPA), alongside prefectural public safety commissions and prefectural police. The NPA Commissioner General is appointed by the NPSC with the Prime Minister's approval and operates under the Commission's supervision. The NPA formulates national systems, coordinates police administration, and conducts limited operations of national significance, while prefectural police retain substantial operational responsibility. The design therefore combines national coordination with collegial supervision and territorial administration (Japan National Police Agency, 2026).

The Japanese lesson is not that the police are outside the executive. The NPSC includes a minister as chair and commissioners appointed within the constitutional government, and the national and prefectural systems remain publicly accountable. The transferable principle is a plural decision structure that can require reasons, deliberation, and institutional distance before general political preferences become police-administration directions. Whether that structure works depends on appointment quality, access to information, transparency, and the Commission's willingness to exercise supervision.

Germany presents a different logic. Articles 30 and 70 of the Basic Law establish a presumption that state powers and legislative competence remain with the Länder unless the Constitution assigns them to the Federation. Article 87 permits specified federal police institutions and central offices, while most ordinary policing is organised under Land law and Land interior authorities. This distribution limits the concentration of all police functions in a single national command, but it does not eliminate executive supervision. Both federal and Land police operate within administrative hierarchies, statutory powers, parliamentary budgets, courts, data-protection rules, and disciplinary systems (Federal Republic of Germany, 2025).

Germany has also added a Parliamentary Commissioner for the Federal Police Authorities. The Commissioner is an auxiliary body of the Bundestag, is not bound by instructions, can receive complaints from the public and police personnel, investigate structural deficiencies and misconduct, and report to Parliament and the public. Its jurisdiction is limited to federal police bodies, and it does not command police operations. The transferable lesson is that an independent parliamentary office can provide a protected complaints and systemic-review channel without becoming a parallel police command (German Bundestag, 2026).

England and Wales explicitly recognises a relationship among the Home Secretary, locally elected Police and Crime Commissioners or mayors exercising equivalent functions, police and crime panels, and chief constables. The Policing Protocol Order 2023 clarifies that elected bodies set strategic plans, hold chief constables to account, and exercise budget and appointment powers, while chief constables retain operational independence and day-to-day control. The arrangement does not eliminate boundary disputes, as the literature

demonstrates, but it provides a legal vocabulary and institutional forums through which those disputes can be examined (Davies & Johnson, 2016; Derfoufi, 2023; Lister, 2013; Shannon, 2021; United Kingdom, 2023).

The Independent Office for Police Conduct (IOPC) adds a separate accountability function. It oversees the complaints system in England and Wales and independently investigates the most serious and sensitive matters, while less serious complaints remain primarily within police forces. The IOPC does not determine all disciplinary outcomes and is not a general operational supervisor. Its significance lies in independent evidence gathering, standards, referral, review, and public learning in cases where internal handling alone may be insufficient (Independent Office for Police Conduct, 2026).

Across the three systems, no single institutional feature prevents politicisation. Commission structures can become passive; territorial fragmentation can complicate coordination and create unequal standards; elected commissioners may intensify political contestation; and independent complaint bodies may face capacity, delay, or remedial limitations. The value of comparison therefore lies in combinations of safeguards: distributed decision authority, explicit competence boundaries, written legal instruments, plural appointments, information access, independent complaint channels, parliamentary reporting, and judicial review.

Table 2 compares the jurisdictions through consistent dimensions. The final row identifies principles potentially transferable to Indonesia and the institutional features that depend heavily on constitutional context.

Table 2. Structured comparison of police governance safeguards

Dimension	Indonesia	Japan	Germany	England and Wales
Constitutional structure	Unitary presidential state; Polri is a national institution.	Unitary parliamentary state with national coordination and prefectural police.	Federal state; ordinary police competence largely belongs to the Länder.	Unitary state with territorially organised forces and elected/local accountability arrangements.
Institutional position	Polri is under the President; Kapolri leads technical policy and operations.	NPA operates under NPSC supervision; prefectural commissions supervise prefectural police.	Federal and Land police remain within respective executive-administrative systems.	Chief constables lead forces; Home Secretary and PCCs/mayors exercise defined strategic powers.
Appointment and policy	President appoints Kapolri with DPR approval; general policy linked to executive and legislation.	NPSC appoints Commissioner General with Prime Minister's approval; commission is collegial.	Appointments and policy vary between federal and Land systems under law and parliamentary budgets.	PCCs/mayors appoint and hold chief constables to account; strategic plans and budgets are politically accountable.
Operational independence	Implied by professional command and legality but no comprehensive statutory boundary for case-specific intervention.	Commission supervision coexists with professional police administration and prefectural operations.	Protected through constitutional competence, statutory powers, administrative law, courts, and distributed authority; not absolute.	Expressly recognised in the Policing Protocol Order 2023, subject to law and accountability.

Dimension	Indonesia	Japan	Germany	England and Wales
External oversight	Kompolnas, DPR, courts, audit bodies, internal supervision, and complaint mechanisms with differing mandates.	National and prefectural public safety commissions; legislative and judicial accountability.	Parliaments, courts, data-protection bodies, ombuds-type institutions, and Parliamentary Commissioner for federal police.	PCCs/mayors, police and crime panels, HMICFRS, IOPC, courts, Parliament, and local scrutiny.
Transferable lesson	Need an explicit boundary, protected reporting, independent systemic review, and auditable directions.	Collegial buffering and plural appointments can reduce personalised direction.	Distributed competence and an independent parliamentary complaints channel can limit concentration.	Strategic/operational distinction and independent serious-complaint investigation can be codified.
Contextual constraint	National unitary command and current constitutional practice require incremental reform.	Commission design is embedded in Japan's post-war police settlement and prefectural administration.	Federalism cannot be transplanted without major constitutional and administrative change.	Elected local governance and common-law constabulary traditions are not directly transferable.

Source: Authors' analysis based on the legal and institutional materials cited in the text.

Reform Options and an Integrated Safeguards Package

The comparison supports reform by function rather than wholesale institutional transplantation. Indonesia has at least four broad options: retain the formal Article 8 position while adding a statutory anti-interference regime; strengthen Kompolnas within its current constitutional setting; create a more independent oversight council or parliamentary commissioner; or undertake a deeper repositioning of Polri. These options are not mutually exclusive, but they differ substantially in legal complexity, administrative cost, and risk.

The most immediately feasible option is to retain Polri's formal position while codifying the boundary test. An amendment to the Police Law should define general policy direction, operational-policy direction, and case-specific decisions. It should prohibit extralegal case intervention, require written and reasoned high-level directions, establish confidential registration and audit, protect refusal of manifestly unlawful orders, provide an external reporting route, and specify disciplinary, administrative, or criminal consequences according to the underlying conduct. Judicial review and evidentiary remedies must remain available where an intervention affects an individual proceeding.

A second option is to strengthen Kompolnas without turning it into a daily operational command. Its core role should be systemic oversight: examining patterns of interference, conflicts of interest, serious integrity failures, implementation of national policy, and follow-up to public complaints. To perform that role, it requires a legally defined right to obtain documents subject to necessary confidentiality protections, authority to summon explanations, power to issue public findings and recommendations with mandatory written responses, and the ability to refer suspected criminal or disciplinary violations to competent bodies. It should not decide whether a named suspect is charged or dictate investigative steps.

Membership design is as important as formal power. A strengthened Kompolnas should include a balanced combination of public-law, policing, human-rights, public-administration, audit, and community expertise. Selection criteria, public nomination, conflict disclosure, fixed terms, protected dismissal grounds, cooling-off periods, and transparent voting can reduce dependence on a single appointing actor. The President may

retain a constitutionally appropriate appointment role, but the process should include public scrutiny and legislative participation sufficient to support plural legitimacy.

A third option is an independent serious-misconduct and interference mechanism. This could be established as a specialised unit within a strengthened Kompolnas, a separate statutory office, or a parliamentary commissioner with jurisdiction over systemic and high-level matters. Its mandate should be triggered by death or serious injury following police contact, allegations involving senior officers, credible political-interference claims, retaliation against whistleblowers, or matters with substantial public-interest implications. It should possess independent evidence-preservation and inquiry powers but should coordinate with prosecutors, courts, and existing disciplinary institutions to avoid double command and jurisdictional conflict.

Senior appointments and promotions require separate safeguards because career control can become an indirect means of influencing case decisions. The law should require published competency criteria, documented merit assessment, conflict declarations, reasons for deviation from ranked recommendations, recusal where an official has a relevant interest, and audit of unusual promotion or transfer patterns. DPR approval of Kapolri should focus on competence, integrity, program, and accountability commitments rather than demands concerning particular cases. A fixed and transparent process can reduce uncertainty without eliminating democratic responsibility.

Outside appointments should be governed by a functional-necessity test after Decision Number 114/PUU-XXIII/2025 and Article 28A of the amended Police Law. The appointing authority should identify the statutory link to police functions, duration, reporting line, access to police information, recusal duties, and the effect on command status. Appointments that place active officers in institutions with direct political, regulatory, commercial, or electoral interests require heightened justification and conflict safeguards. Public disclosure should be the default, subject only to narrowly tailored security exceptions.

Budget oversight should protect both democratic control and operational integrity. The legislature and executive may determine aggregate allocations and policy priorities, while operational managers require sufficient delegated authority to implement approved plans without informal financial pressure linked to particular cases. Material reallocations should be documented, and emergency funds should be subject to rapid ex post audit. Performance indicators should avoid incentives that reward arrest, charge, or case-closure volume without regard to legality, evidentiary quality, proportionality, victim service, or complaint outcomes.

Table 3 evaluates the principal reform components. The preferred approach is cumulative and staged: clarify the boundary first, then reinforce information, complaint, appointment, conflict, and review mechanisms. A deeper constitutional repositioning should be considered only after evidence shows that statutory safeguards cannot function within the existing structure.

Table 3. Reform design, limits, risk mitigation, and implementation indicators

Reform component	Legal vehicle and responsible institution	Scope and limit	Risk mitigation	Sequence and indicators
Anti-interference clause	Amend Police Law; DPR and President.	Prohibits extralegal case-specific direction; preserves general policy, budgets, coordination, courts, and lawful supervision.	Precise definitions; written reasons; protected refusal; sanctions tied to underlying conduct; judicial review.	Short term. Indicators: directions registered; reports resolved; retaliation cases; compliance audits.

Reform component	Legal vehicle and responsible institution	Scope and limit	Risk mitigation	Sequence and indicators
Lawful-direction register	Police Law and implementing regulation; Polri legal and inspectorate units with external access.	Records high-level policy-of-operations directions; excludes routine commands and protects sensitive data.	Classification rules; retention periods; access logs; independent sampling; penalties for concealment.	Short term. Indicators: completeness, timeliness, audit findings, corrective action.
Strengthened Kompolnas	Police Law and revised presidential regulation; President and DPR.	Systemic inquiry, complaint review, information access, public recommendations; no case command or prosecution power.	Plural selection, fixed terms, conflict rules, mandatory responses, judicially reviewable procedure.	Medium term. Indicators: response rates, publication, referral outcomes, implementation of recommendations.
Independent serious-matter mechanism	Statute creating a unit, office, or parliamentary commissioner.	Serious misconduct, senior officers, death/serious injury, interference, whistleblower retaliation.	Clear referral thresholds; evidence-preservation powers; coordination protocol; external audit.	Medium term. Indicators: investigation duration, referral quality, recurrence reduction, complainant protection.
Merit and conflict safeguards	Police Law, personnel regulations, ethics rules; Polri, President, DPR, oversight bodies.	Senior appointment, promotion, transfer, outside posts, recusal and asset/interest disclosure.	Published criteria; reasons; audit trails; cooling-off rules; sanctions for nondisclosure.	Short-medium term. Indicators: competitive selection, disclosed conflicts, audited exceptions, complaint outcomes.
Parliamentary and judicial review	DPR rules, reporting statutes, administrative and criminal procedure.	General policy, budgets, implementation, legality and rights; excludes partisan direction of named cases.	Public hearings on systems, protected sessions for sensitive matters, standing and remedy rules.	Continuous. Indicators: follow-up to findings, court compliance, budget transparency, remedy accessibility.

Source: Authors' analysis based on the legal and institutional materials cited in the text.

Constitutional Feasibility, Administration, and Transition

The proposed package is constitutionally feasible because it does not remove the President's role in government or create a police institution beyond law. It defines how authority connected to Article 8 should be exercised consistently with the rule of law, Article 30(4), due process, equality, and accountable administration. General policy, budgets, appointments, and national coordination remain democratically controlled. Case-specific independence is protected as a professional duty owed to law rather than as an institutional privilege.

Administrative feasibility requires careful allocation of functions. Polri's inspectorate, professional-security function, investigative supervision, and legal divisions should retain responsibility for internal compliance. Kompolnas or another external body should examine systemic and serious matters, not supervise daily operations. Prosecutors and courts should retain their procedural roles, while audit and data-protection bodies should address financial and information-governance issues. Memoranda and regulations must specify referral, confidentiality, evidence preservation, and time limits to prevent duplication.

Implementation should proceed in three phases. During the first twelve months, the Government and DPR should enact the boundary and reporting provisions; Polri should issue implementing rules, establish protected legal advice, map sensitive decision points, and train commanders and investigators. During years two and three, Kompolnas selection, information powers, complaint handling, publication, and coordination should be revised, accompanied by independent evaluation. Only after those mechanisms have operated should decision-makers assess whether a new council, parliamentary commissioner, or deeper institutional repositioning is necessary.

Evaluation must use indicators that capture legality and institutional behaviour rather than reputation alone. Relevant measures include the completeness and auditability of high-level directions; time taken to resolve interference reports; retaliation allegations; compliance with recusal and conflict declarations; implementation of oversight recommendations; quality and timeliness of complaint outcomes; judicial findings of unlawful police action; disciplinary transparency; and evidence of corrective organisational learning. Public-trust surveys may supplement this analysis only when their instrument, fieldwork, sample, sampling method, margin of error, question wording, response categories, and original release are disclosed.

The article's limitations remain important. It does not establish how frequently intervention occurs, which actors are most influential, or how the proposed safeguards would affect crime, trust, or organisational performance. Those questions require interviews, case-file analysis, complaint data, survey research, and implementation evaluation conducted under appropriate ethical and security protections. The comparative findings identify institutional principles and trade-offs; they do not demonstrate that a Japanese commission, German federal distribution, or England-and-Wales governance structure would produce the same results in Indonesia.

CONCLUSION

The central issue in Polri reform is not a binary choice between presidential control and complete separation. Indonesian constitutional law requires democratic civilian authority and policing under law. After Law Number 5 of 2026, the statutory framework contains stricter rules on professionalism, proportionality, transparency, accountability, neutrality, internal supervision, education, outside appointments, and Kompolnas, while Article 8 continues to place Polri under the President. The unresolved problem is the absence of a sufficiently explicit and enforceable boundary between lawful general policy direction and prohibited intervention in identifiable cases.

The article addresses that gap through a two-level institutional boundary test. Legislation, general priorities, budgets, transparent appointments, service standards, reporting, inspection, and ex post review are legitimate forms of democratic control. Directions intended for an extralegal purpose to target or protect an identifiable person, manipulate evidence, alter investigative timing or outcome, disclose protected information, or condition careers on a desired result should be prohibited. Mixed operational-policy decisions should be legally based, written, proportionate, time-limited, recorded, and independently reviewable.

Comparative analysis supports principles rather than a single model. Japan demonstrates collegial buffering, Germany demonstrates distributed competence and a parliamentary complaints channel, and England and Wales demonstrate an express strategic-operational distinction and independent serious-complaint investigation. For Indonesia, the most feasible path is an integrated safeguards package: a statutory anti-

interference clause, a lawful-direction register, protected reporting and anti-retaliation rules, stronger systemic oversight, merit and conflict-of-interest safeguards, transparent outside appointments, and effective parliamentary, judicial, and public review. These measures do not guarantee public legitimacy or substantively precise policing, but they create institutional conditions in which evidence, proportionality, fair procedure, transparency, and accountability are more likely to govern police decisions.

SUGGESTION

The Government and the House of Representatives should prioritise a targeted amendment or implementing legislative package that defines general policy control, operational-policy direction, and prohibited case-specific intervention. Within the first implementation year, Polri should establish a protected reporting mechanism and an auditable direction register, while Kompolnas should receive clear information-access, publication, and follow-up powers for systemic and serious matters. Any broader repositioning of Polri should be considered only after independent evaluation of these safeguards and should preserve national coordination, constitutional civilian control, judicial remedies, and professional operational responsibility.

REFERENCES

- Adhikara, R., & Putranto, P. Y. (2026). Revisiting police legitimacy: Exploring determinants beyond performance, procedural justice, public satisfaction, and its practices. *Policing and Society*, 36(4), 494-510. <https://doi.org/10.1080/10439463.2025.2579623>
- Adhikara, R., Putranto, P. Y., & Gurion, A. B. (2024). In pursuit of legitimacy: An overview of contemporary policing in Indonesia. *Eduvest: Journal of Universal Studies*, 4(2), 687-703. <https://doi.org/10.59188/eduvest.v4i2.1069>
- Bullock, K., & Tilley, N. (2009). Evidence-based policing and crime reduction. *Policing: A Journal of Policy and Practice*, 3(4), 381-387. <https://doi.org/10.1093/police/pap032>
- Constitutional Court of the Republic of Indonesia. (2025). Decision Number 114/PUU-XXIII/2025.
- Cooper, S. (2023). Police relational accountabilities: The paralysis of police accountability? *Policing: A Journal of Policy and Practice*, 17, paac081. <https://doi.org/10.1093/police/paac081>
- Davies, M., & Johnson, J. (2016). Navigating the one-on-one model of accountability: Lessons for police and crime commissioners and chief constables. *Policing: A Journal of Policy and Practice*, 10(3), 278-287. <https://doi.org/10.1093/police/paw004>
- Derfoufi, Z. (2023). Power struggles: Police and crime commissioners, chief constables, and the battle over operational policing. *Policing: A Journal of Policy and Practice*, 17, paad034. <https://doi.org/10.1093/police/paad034>
- Federal Republic of Germany. (2025). Basic Law for the Federal Republic of Germany (Arts. 30, 70, 73, and 87). Federal Ministry of Justice. https://www.gesetze-im-internet.de/englisch_gg/
- Fitrianto, A., Suhariadi, F., & Minarno, N. B. (2025). Reforming Polri's community policing: A procedural justice and human resource approach to building police legitimacy. *Edelweiss Applied Science and Technology*, 9(5), 1734-1742. <https://doi.org/10.55214/25768484.v9i5.7271>
- German Bundestag. (2026). What does the Parliamentary Commissioner for the Federal Police Authorities do? <https://www.bundestag.de/parlament/polizeibeauftragter/was-macht-polb-1049980>
- Haripin, M., & Siregar, S. N. (2016). The defects of police reform in Indonesia. *Journal of Indonesian Social Sciences and Humanities*, 6(2), 53-64. <https://doi.org/10.14203/jissh.v6i2.40>
- Hough, M., Jackson, J., Bradford, B., Myhill, A., & Quinton, P. (2010). Procedural justice, trust, and institutional legitimacy. *Policing: A Journal of Policy and Practice*, 4(3), 203-210. <https://doi.org/10.1093/police/paq027>
- Independent Office for Police Conduct. (2026). About us. <https://www.policeconduct.gov.uk/about-us>
- Indonesian National Police. (2021, July 2). Kapolri ingin polisi makin dekat dengan masyarakat. *Tribrata News*. <https://tribratanews.polri.go.id/blog/nasional-3/kapolri-ingin-polisi-makin-dekat-dengan-masyarakat-29125>
- Japan National Police Agency. (2026). National Police Agency: Organisational structure and authority. https://www.npa.go.jp/english/National_Police_Agency.html
- Kim, J. (2022). The effect of civilian oversight on police organisational performance: A quasi-experimental study. *The American Review of Public Administration*, 52(5), 382-397. <https://doi.org/10.1177/02750740221098344>
- Klose, S. (2024). Re-defining evidence-based policing. *Policing: A Journal of Policy and Practice*, 18, paad095. <https://doi.org/10.1093/police/paad095>
- Lister, S. (2013). The new politics of the police: Police and crime commissioners and the "operational independence" of the police. *Policing: A Journal of Policy and Practice*, 7(3), 239-247. <https://doi.org/10.1093/police/pat011>
- Loveday, B. (2018). Police and crime commissioners: Developing and sustaining a new model of police governance in England and Wales. *International Journal of Police Science & Management*, 20(1), 28-37. <https://doi.org/10.1177/1461355717748974>
- People's Consultative Assembly of the Republic of Indonesia. (2000a). Decree Number VI/MPR/2000 on the separation of the Indonesian National Armed Forces and the Indonesian National Police.
- People's Consultative Assembly of the Republic of Indonesia. (2000b). Decree Number VII/MPR/2000 on the roles of the Indonesian National Armed Forces and the Indonesian National Police.
- Perry, G. (2024). Beyond experiments: Is there a subjective causal relationship between procedural justice and police legitimacy? *Policing: A Journal of Policy and Practice*, 18, paad068. <https://doi.org/10.1093/police/paad068>

- Pósch, K. (2021). Prying open the black box of causality: A causal mediation analysis test of procedural justice policing. *Journal of Quantitative Criminology*, 37, 217-245. <https://doi.org/10.1007/s10940-020-09449-7>
- President of the Republic of Indonesia. (2010). Presidential Regulation Number 52 of 2010 on the organisational structure and working procedures of the Indonesian National Police, as most recently amended by Presidential Regulation Number 122 of 2024.
- President of the Republic of Indonesia. (2011). Presidential Regulation Number 17 of 2011 on the National Police Commission.
- Republic of Indonesia. (1945). Constitution of the Republic of Indonesia of 1945.
- Republic of Indonesia. (2002). Law Number 2 of 2002 on the Indonesian National Police, as amended.
- Republic of Indonesia. (2026). Law Number 5 of 2026 on the Third Amendment to Law Number 2 of 2002 on the Indonesian National Police. *State Gazette of the Republic of Indonesia of 2026 Number 63, Supplement to the State Gazette Number 7181*.
- Sahin, N., Braga, A. A., Apel, R., & Brunson, R. K. (2017). The impact of procedurally-just policing on citizen perceptions of police during traffic stops: The Adana randomised controlled trial. *Journal of Quantitative Criminology*, 33, 701-726. <https://doi.org/10.1007/s10940-016-9308-7>
- Savage, S. P. (2013). Thinking independence: Calling the police to account through the independent investigation of police complaints. *British Journal of Criminology*, 53(1), 94-112. <https://doi.org/10.1093/bjc/azs056>
- Scrase, S. (2021). Re-thinking procedural justice theory through stop and search: Shame, anger, and police legitimacy. *Policing: A Journal of Policy and Practice*, 15(2), 1476-1490. <https://doi.org/10.1093/polic/paaa039>
- Shannon, I. (2021). Democratic oversight and political direction of chief police officers in England and Wales: Implications for police legitimacy. *Policing: A Journal of Policy and Practice*, 15(2), 912-926. <https://doi.org/10.1093/polic/paaa088>
- Shilston, T. G. (2016). Six dimensions of police accountability: An aid to needs assessment in international police development missions. *International Journal of Police Science & Management*, 18(1), 37-46. <https://doi.org/10.1177/1461355716638115>
- Stelkia, K. (2020). An exploratory study on police oversight in British Columbia: The dynamics of accountability for Royal Canadian Mounted Police and municipal police. *SAGE Open*, 10(1). <https://doi.org/10.1177/2158244019899088>
- Sufriadi, Y. (2024). The progress of Indonesian law enforcement reform after 25 years of the reform movement. *Asian Affairs: An American Review*, 51(1), 28-54. <https://doi.org/10.1080/00927678.2023.2268491>
- Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, 37(3), 513-548. <https://doi.org/10.1111/1540-5893.3703002>
- United Kingdom. (2023). The Policing Protocol Order 2023, S.I. 2023/649. <https://www.legislation.gov.uk/uksi/2023/649>