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Implementation of the ASEAN Convention Against Trafficking in Persons, Particularly Women and Children (ACTIP)

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Abstract

Human trafficking or trafficking in persons is a transnational crime that endangers global and regional security. Countries in the Southeast Asia region serve as origin, transit, and destination for trafficking in persons syndicates. In a unified effort to address this issue, ASEAN adopted the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) in 2015, serving as a legally binding mechanism for regional cooperation to tackle trafficking in persons. Since its adoption, ACTIP has not been effectively implemented by ASEAN, as it has not reduced the number of TIP cases in the region. The primary mechanism, the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC), solely functions in monitoring, facilitating coordination, evaluating, and compiling periodic reports on the implementation of the convention, lacking the authority to enforce compliance with ACTIP. In addition to the unique principles of the “ASEAN Way”, the challenges encountered by ASEAN in addressing trafficking in persons are notably intricate. To uncover the intricating issues, the author utilizes the Regional Security Complex Theory (RSCT) by Barry Buzan and Ole Waever to clarify the variables that hinder the effective implementation of ACTIP in ASEAN. The complexity of addressing trafficking in persons will be analysed at national, international, regional, and global levels using four RSCT variables: boundary, anarchic structures, power distribution, and social construction within the ASEAN organization. This study employs qualitative methodologies utilizing primary and secondary data sources, including scholarly literature, publications, and official reports from ASEAN bodies, government agencies, and international organizations. Given the identified issues, ASEAN must execute internal changes by strengthening the function of the SOMTC to create a cooperative framework at the technical level for the effective implementation of ACTIP.

Keywords: trafficking in persons, TIP, ACTIP, RSCT, SOMTC, ASEAN

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INTRODUCTION

Human trafficking is a transnational crime that poses a significant threat to both global and regional security. Data from the UNODC shows that Southeast Asia has become one of the epicentres of global human trafficking. Over the past decade, the number of human trafficking cases in Southeast Asia has increased sharply, with an estimated 200,000 to 225,000 victims, including women and children (Hugot, n.d.). This number accounts for one-third of the total number of victims trafficked worldwide each year. Southeast Asian countries serve as countries of origin, transit, and destination for human trafficking syndicates. The majority

of victims come from Indonesia, the Philippines, and Vietnam, with destinations including Myanmar, Cambodia, and Laos. For instance, in Indonesia, in the past year, 1,235 Indonesian citizens were recorded as victims of human trafficking (Indonesia C., 1235 Indonesian Victims, 2025).

The phenomenon of human trafficking (referred to as trafficking in persons by ASEAN) is not a new issue for ASEAN. Trafficking in persons (TIP) is a shared concern for ASEAN and was first included in ASEAN's cooperation instrument in 1997, namely the ASEAN Declaration on Transnational Crime. This declaration was then followed up with the development of the ASEAN Plan of Action in Combating Transnational Crime (1999) and then continued with the adoption of the ASEAN Declaration against TIPs, particularly Women and Children, in 2004. After a lengthy development process, on 21 November 2015, the heads of state/government of ASEAN member states signed and ratified the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (Solim, 2019). This convention aims to strengthen intergovernmental cooperation in preventing, prosecuting, and protecting victims of trafficking in persons through a human rights-based approach, as well as regional and international partnerships.

ACTIP automatically became a legally binding instrument after being ratified by all ASEAN member states. The convention contains four main pillars of cooperation: prevention, law enforcement and prosecution, protection and victim recovery, and partnership. These pillars are further operationalized through the ASEAN Plan of Action Against Trafficking in Persons (APAATIP). In practice, ACTIP is implemented through the Senior Officials Meeting on Transnational Crime (SOMTC), a forum of senior officials from ASEAN member states dealing with transnational crime. Through SOMTC and other relevant ASEAN sectoral bodies, ASEAN developed the Bohol TIP Work Plan 2017–2020, which aimed to harmonize regional activities with the four thematic pillars. Several programs under this work plan were realized, including border control strengthening, victim protection and recovery through ASEAN minimum service standards, law enforcement and prosecution, as well as regional and international coordination.

The Bohol TIP Work Plan also regulated the appointment of ACTIP focal points in each ASEAN member state to monitor progress and report implementation outcomes through the SOMTC mechanism. After the completion of the 2017–2020 plan, ASEAN adopted the ASEAN Multi-Sectoral Work Plan Against Trafficking in Persons 2023–2028, also known as the Bohol TIP Work Plan 2.0, as the successor framework for implementing ACTIP and the ASEAN Plan of Action on TIP. However, despite these institutional developments, ACTIP implementation has not yet succeeded in significantly reducing trafficking in persons cases in the region. Based on the Trafficking in Persons Reports issued by the United States Department of State, the number of investigations and prosecutions conducted by ASEAN member states in 2025, compared with 2018, does not show significant progress. (see Charts I and II below).

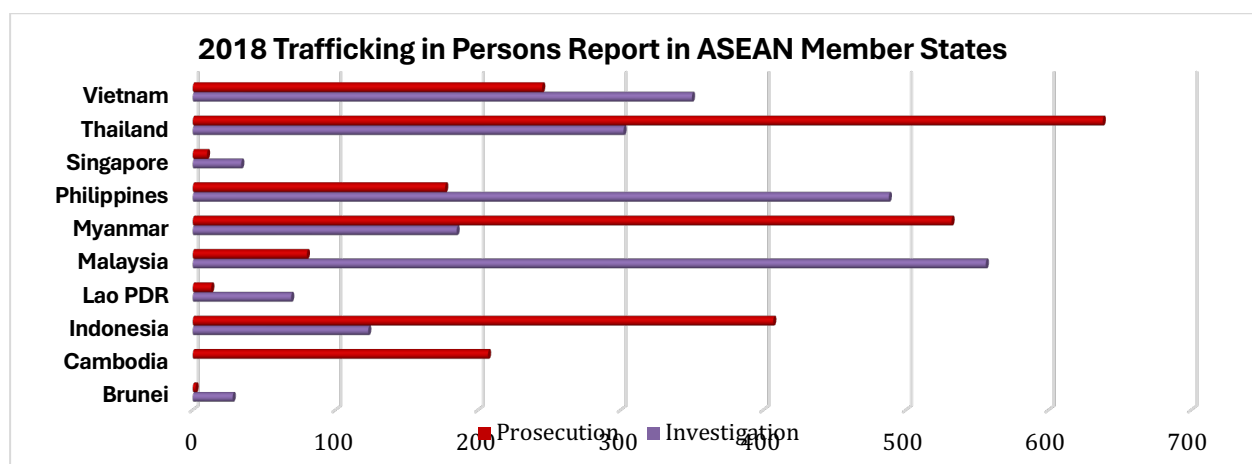


Figure 1: Trafficking in Persons Report in ASEAN in 2018
Source: 2018 TIP Report by The US Department of State

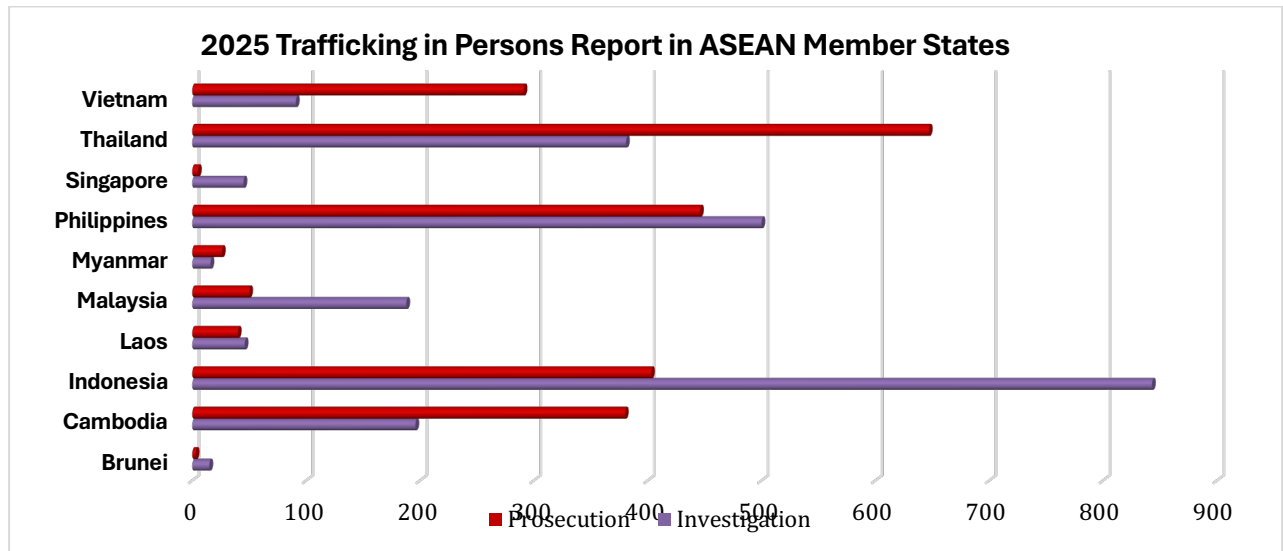


Figure 2: Trafficking in Persons Report in ASEAN in 2025
Source: 2025 TIP Report by The US Department of State

The US Department of State TIP reports categorize countries into four groups: Tier I, Tier 2, Tier 2 (watchlist), and Tier 3. The basis for the placement is countries' consistency with the minimum standards for the elimination of human trafficking according to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol or Palermo Protocol). Tier 1 is the highest grade, but it does not mean that a country has no human trafficking problem or that it is doing enough to fight the crime. Rather, a Tier 1 ranking implies that a government has made attempts to address the problem, such as demonstrating considerable progress each year in combating trafficking, and has fulfilled the Protocol's minimum standards. Tier 1 indicates a responsibility rather than a relief. Countries whose governments do not fully meet the minimum standards but are making significant efforts to bring themselves into compliance with those standards are included in Tier 2. Countries whose governments do not fully meet the minimum standards and are not making significant efforts to do so are placed in Tier 3 (Department of State, 2024).

After a decade of ACTIP adoption, only the Philippines and Singapore have been included in Tier 1, while Cambodia and Myanmar are placed in Tier 3. For comparison, the author compiles TIP reports for the Philippines (Tier 1) and Cambodia (Tier 3) from 2016 to 2024, as illustrated in the following diagrams. (see Charts III and IV).

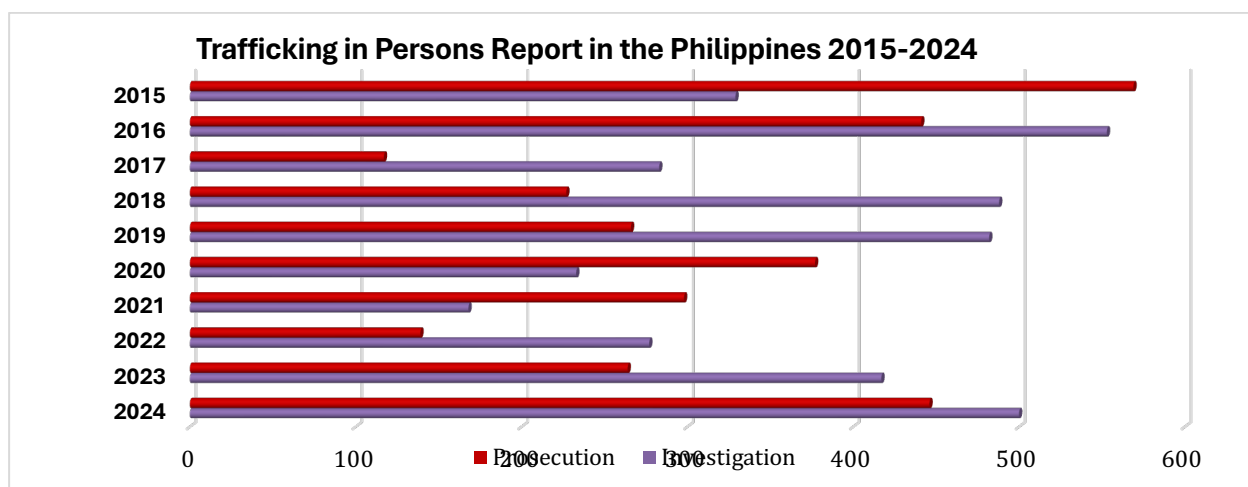


Figure 3: Trafficking in Persons Report in The Philippines 2015 to 2024
Source: TIP Report by The US Department of State

The bar chart above presents a comparative analysis of the number of prosecutions and investigations related to human trafficking conducted by the Philippines within the specified period. The red bars represent prosecutions, while the purple bars indicate investigations. The data indicate that the number of investigations generally outpaced prosecutions throughout the decade, with a particularly wide gap observed in 2017 and 2022. The fluctuations in both metrics may reflect anti-TIP efforts in the Philippines. The resurgence in both prosecutions and investigations in the most recent years suggests renewed efforts or improved capacity in addressing human trafficking cases (Department of State, 2024).

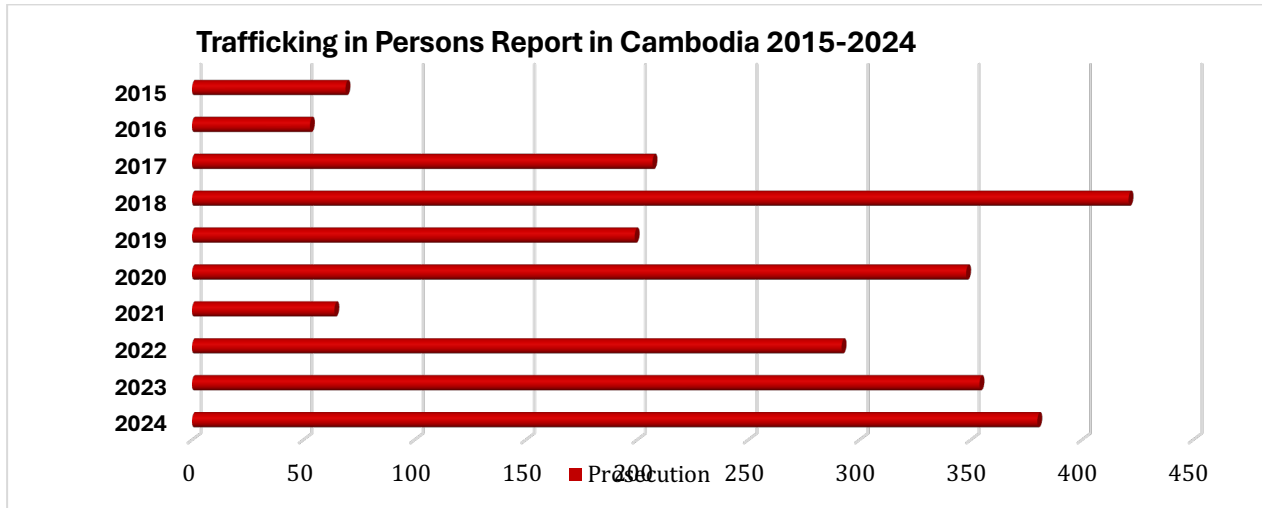


Figure 4: Trafficking in Persons Report in Cambodia 2015 to 2024

The chart above displays only the number of prosecutions related to human trafficking cases in Cambodia over ten years. The data are visualized using horizontal bars, each representing the total prosecutions for a specific year. Comparing the ten-year TIP reports by the Philippines and Cambodia indicates substantial variation in how these two countries address the TIP cases in their respective countries. The Philippines has been exhibiting its constant efforts in investigating and prosecuting TIP cases, while Cambodia only shares data on prosecution, but no exact number of investigations has been documented.

Furthermore, the ASEAN-Australia Counter Trafficking Programme (ASEAN ACT) also published the 2020 Baseline Report on the Trafficking in Persons (TIP) Annual Reports of ASEAN Member States to commemorate the five-year implementation of ACTIP. This report scrutinizes the TIP reports generated by ASEAN member states, detailing their approaches to national reporting on their commitments under the ACTIP. It offers critical insights and recommendations aimed at guiding future strategies and partnerships to fulfil the objectives of the convention (ASEAN-ACT, 2020). (see Chart V).

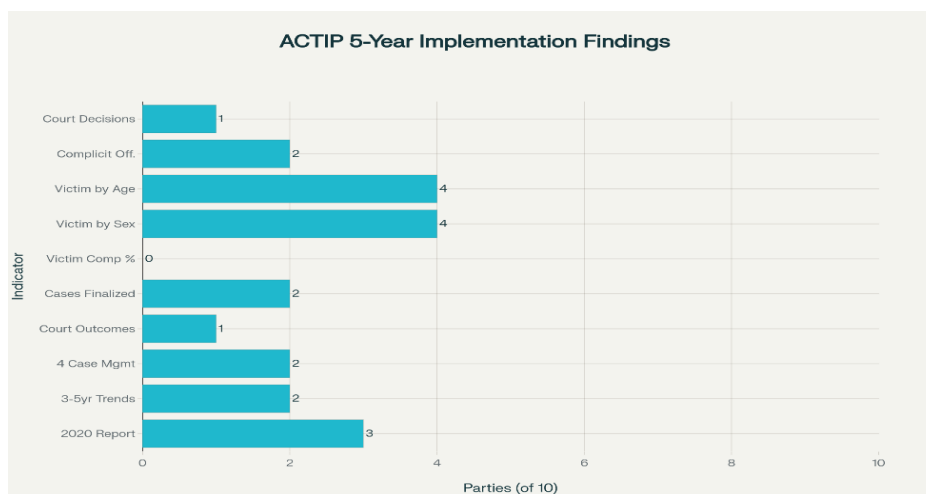


Figure 5: ACTIP 5-Year Implementation
Source: ASEAN-ACT 2020

The chart shows the number of ACTIP Parties (out of 10) that publicly reported on each key trafficking in persons (TIP) indicator over the five-year implementation period.

The findings are based on the indicator listed as follows:

- 3 of 10 ACTIP Parties published a 2020 TIP Annual Report that was publicly available in 2021.
- 2 of 10 ACTIP Parties publish 3-5 years of trend data on key TIP indicators.
- 2 of 10 ACTIP Parties can report on four of the TIP case management indicators.
- 1 of 10 ACTIP Parties published data on the outcomes for the first instance court cases finalised in 2020.
- 2 of 10 ACTIP Parties published data on the number of Trafficking in Persons cases finalised by a first instance court in 2020.
- 0 of 10 ACTIP Parties published data on the percentage of TIP cases finalised in 2020 in which a victim received compensation.
- 4 of 10 ACTIP Parties published victim data disaggregated by sex.
- 4 of 10 ACTIP Parties published victim data disaggregated by age.
- 2 of 10 ACTIP Parties published a 2020 TIP Annual Report that presents the number of investigations, prosecutions, or convictions of officials that were complicit in trafficking in persons.
- 1 of 10 ACTIP Parties published online anonymised TIP court decisions finalised in 2020.

The TIP progress report only represents half of the ASEAN member states. This demonstrates one of the suboptimal deployments of ACTIP. There are still more issues contributing to the convention's ineffective implementation. ASEAN has been confronting both internal and external obstacles. Several difficulties have been addressed in prior publications. A seminal examination of the implementation of ACTIP was published in 2018, titled "The ASEAN Convention Against Trafficking in Persons: A Preliminary Assessment" (Yusran, 2018). Yusran argued that the adoption and implementation of ACTIP had facilitated state ratification, enabling the appropriate execution of these binding instruments.

Yusran emphasized that while ACTIP possesses a significant degree of obligation and precision, it is notably deficient in delegation, specifically lacking an authoritative mechanism for third parties to interpret, mediate, or enforce the interpretation of ACTIP articles in the event of disputes among member countries. Furthermore, this convention lacks consequences or a framework for legal accountability should member states neglect to adhere to or consistently execute ACTIP. Yusran also addressed the predominance of ASEAN's non-intervention and consensus principles, which obstructed more robust coordination and enforcement initiatives, resulting in implementation reliant solely on the political will and internal capabilities of member states, rather than a binding regional framework.

Several other texts examine the concepts of the ASEAN Way, which also influence the effectiveness of ACTIP. Wirawan and Novikrisna (2024), in their article titled "Legal Instrument under the ASEAN: the case of the ASEAN Convention against Trafficking in Persons," contend that ASEAN's robust commitment to the principles of the ASEAN Way frequently leads to the adoption of informal practices. The escalating complexity of the TIP issue necessitates robust regional collaboration via institutional structures and stringent legislation. Subono and Kosandi added other reasons that contributed to this paradox besides the 'ASEAN Way'. Those are the lack of commitment to enhance and leverage the ASEAN framework for collaboration and coordination, and the obstacles faced by countries that led them to prioritize national legislation over collaborative efforts (Subono et al., 2019).

The literature on the efficacy of ACTIP is varied; however, the author observes a consensus that the convention serves as a crucial regional legal framework promoting cross-national collaboration to combat TIP in Southeast Asia, albeit constrained by the ASEAN principle of non-intervention. Another study concludes that ACTIP has not been properly implemented in ASEAN due to institutional deficiencies, insufficient regional enforcement, and internal political and bureaucratic impediments in each member state. This fact indicates that the factors contributing to the ineffective implementation of ACTIP in ASEAN are multifaceted and cannot be evaluated via a singular perspective.

DISCUSSION

Perspective of Regional Security Complex Theory

To identify the issues that hinder the effective implementation of ACTIP, the author utilizes the Regional Security Complex Theory (RSCT), developed by Barry Buzan and Ole Waever in their work “Regions and Powers: The Structure of International Security”. Buzan and Waever described a Regional Security Complex as a unit wherein the processes of securitization and de-securitization are interconnected, rendering their security issues inseparable for analysis or resolution. The primary framework of the regional security complex consists of four variables (Buzan & Waever, 2003). First is the boundary that distinguishes one regional security complex (RSC) from its adjacent counterparts or other regional security complexes. Secondly, an anarchic structure consists of two or more autonomous entities that exert influence. Third, polarity emerges from the allocation of power among these entities. Fourth, social construction, which is founded on patterns of amity and hostility among distinct independent entities within a complex. The four RSCT variables are illustrated on the chart below. (see Diagram VI)

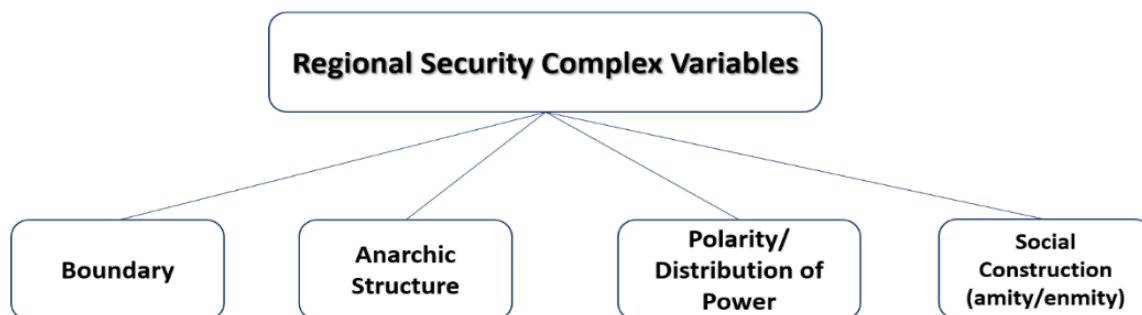


Figure 6: Variables of Regional Security Complex Theory by Barry Buzan & Ole Waever
Source: RSCT by Barry Buzan and Ole Waever (Buzan & Wæver, 2003)

While RSCT explains why a regional security complex was originally established, the theory remains relevant when adapted to contemporary global geopolitical trends. Its continuing relevance lies in its ability to explain regional security dynamics not only in traditional political and military terms, but also in relation to broader transformations in the international environment.

Leszek Sadurski supports the continued development of Regional Security Complex theory in his 2022 publication, *Regional Security Complex Theory: Why Is This Concept Still Worth Developing?* He argues that although the theory initially prioritized regional security over global or state-centric perspectives and was largely confined to political and military sectors, it has remained valid as a research tool for nearly four decades. According to Sadurski, the theory has gradually adapted to changing security dynamics by incorporating economic, social, and environmental dimensions. He further contends that RSC theory must continue to evolve in order to address emerging security issues, particularly those related to climate change and the growing role of non-state actors.

Based on Sadurski’s argument, this study considers RSCT relevant for analysing the ineffective implementation of ACTIP in ASEAN. By positioning ASEAN as the unit of analysis and the principal actor, and by identifying four key variables across four levels of RSC analysis—boundary, anarchic structure, polarity, and social construction—the theory provides a useful framework for organizing empirical findings related to ASEAN. In addition, RSCT offers three possible trajectories for ASEAN’s development: the maintenance of the status quo, which indicates no significant change in ASEAN’s fundamental structure; internal transformation, which refers to changes within ASEAN’s internal structure; and external transformation, which points to changes occurring outside ASEAN’s fundamental structure (Waever, 2003). The application of this

theoretical framework to ASEAN’s implementation of ACTIP is illustrated in the following diagram (see Diagram VII).

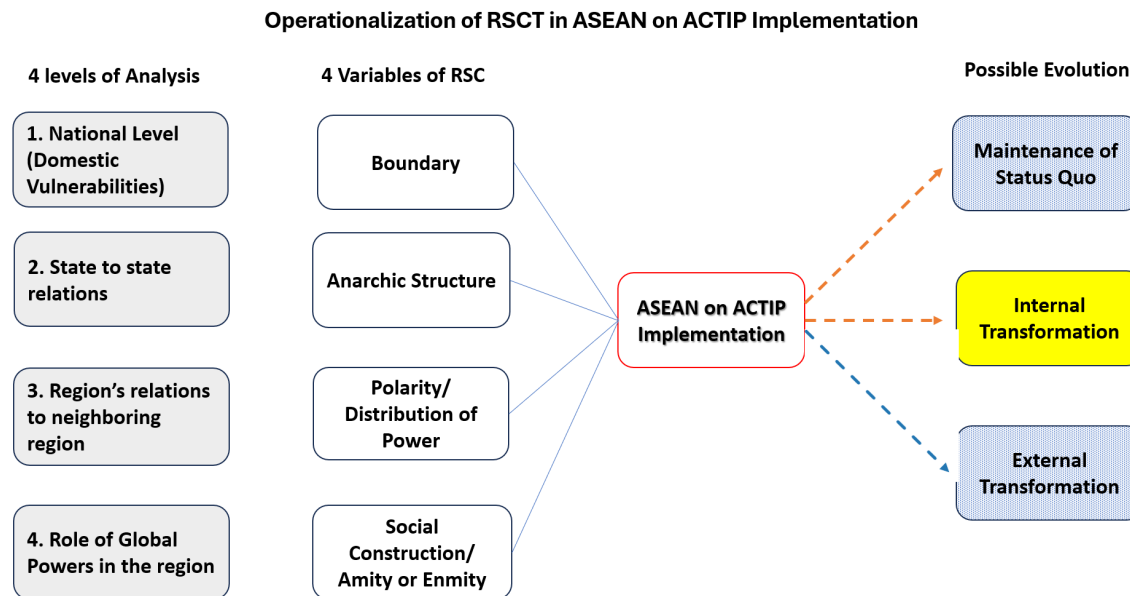


Figure 7: Operationalization of RSCT on ACTIP Implementation
Source: RSCT made by the author

As shown in the chart, the author applies the theory by examining the four variables at the four levels of analysis provided by the RSCT. The first level of analysis is at the national scope, which involves identifying ASEAN domestic vulnerabilities. The second level pertains to state-to-state relations within ASEAN and its anarchic structure. The third level is the relations between the ASEAN region and its neighbouring regions, and the dynamic of polarity and power distribution, and the fourth level addresses the social construction of ASEAN and the role of global powers. Clustering the findings of the analysis will lead to the possible evolution of the ASEAN organization in implementing ACTIP. In consideration of the growing challenges posed by TIP issues, the author will suggest the best solution for ASEAN, whether to maintain the status quo, or to carry through internal transformation or external transformation. As the issue of ACTIP implementation is varied and multidimensional, the author will highlight the most prominent challenges based on the four variables and levels of analysis offered by the RSCT.

Boundary and Domestic Vulnerabilities

The boundary variable in RSCT marks where security interdependence surrounding trafficking in persons (TIP) is most complex within Southeast Asia and least complicated beyond it. It helps clarify how ASEAN is demarcated from adjacent complexes with shared domestic vulnerabilities, cooperative but sovereignty-conscious interstate relations, and a region-bridging norm-driven role vis-à-vis neighbouring regions together constitute a distinctive Southeast Asian TIP security complex. Domestic drivers of trafficking are the main sources of interdependence in ASEAN (Cruden, 2011). ACTIP indicates that ASEAN establishes a distinct trafficking-focused security complex, where member states share similar domestic vulnerabilities, manage dense cross-border trafficking flows, and engage with global powers through ASEAN-centred but sovereignty-sensitive institutions (Sundram, 2024). The security concerns are so interlinked that none can be analysed in isolation.

The geographical proximity of ASEAN countries facilitates the ease of crossing land borders, often resulting in less stringent inspection processes. Countries within ASEAN that share land borders generally experience enhanced relations regarding population mobility and trade. However, they face challenges associated with security and border management. Numerous ASEAN countries adopt a more flexible border system, facilitating population mobility with minimal regulatory checks. This is motivated by the principle of peaceful coexistence among neighbouring nations (Subitmele). Despite ACTIP's emphasis on the significance of coordinated border monitoring, shortcomings persist in ensuring secure passage for individuals entering and

exiting an area (Mangku, 2018). These shared domestic vulnerabilities bind ASEAN together as a trafficking-prone space and distinguish it from neighbouring complexes where stronger institutions and tighter migration controls generate different patterns of risk (Sundram, 2024a).

Across ASEAN, labour-intensive economies depend on low-wages and often migrant labour in sectors such as fisheries, construction, domestic work, agriculture, and entertainment, creating structural demand for cheap, exploitable workers that traffickers exploit. Weak labour and migration governance, informal recruitment chains, and debt-bondage practices blur the line between harsh but legal work and TIP, particularly along land and river borders in the Mekong subregion (Indraswari, 2024). Recent reports also highlight a dramatic shift toward trafficking for forced criminality in online-scam operations centred in Cambodia, Laos, Myanmar, the Philippines, and Thailand. The UN Human Rights Office estimates that at least 120,000 people in Myanmar and around 100,000 in Cambodia may be held in scam compounds, with tens of thousands more in Laos, Thailand, and the Philippines, generating illicit revenues of billions of dollars annually. Victims are often relatively well-educated and digitally literate, recruited through online job ads and lured across borders before having their documents confiscated and being forced to commit cyber-enabled crimes. ASEAN member states have begun to respond through the 2023 ASEAN Leaders' Declaration on Combating Trafficking in Persons Caused by the Abuse of Technology, but regional cyber and data-governance capacities remain insufficient to keep pace with these networks (UNHCHR, 2023).

In matters of the rule of law, member countries of ASEAN exhibit diverse legal systems, characterized by variations in definitions, evidentiary frameworks, and the implementation of the non-punishment principle for victims of human trafficking. For instance, Indonesia employs a specific method for demonstrating elements of coercion, whereas Malaysia and the Philippines utilize a more comprehensive and pragmatic cause-and-effect framework for victim identification (Setkab, <https://setkab.go.id>). This inequality hinders cross-border harmonization and cooperation in law enforcement, allowing human traffickers to exploit legal loopholes among nations. National problems such as corruption, limited rule of law, and thin state presence in borderlands enable local officials and brokers to facilitate irregular crossings or protect scam compounds, while criminal-justice systems often lack specialised TIP investigators, prosecutors, and victim-centred procedures, resulting in low conviction rates despite extensive laws.

Inadequate coordination among law enforcement agencies at both national and regional levels constitutes a significant barrier. The absence of a centralized database and integrated communication channels impedes the comprehensive investigation and prosecution of human trafficking cases. Coordination among ASEAN member countries remains limited despite the mandates of ACTIP for closer cooperation. Implementation encounters challenges stemming from varying national perceptions and priorities (Setkab, <https://setkab.go.id>).

Moreover, insufficient technical capacity, human resources, and budget constraints impede the effective enforcement of TIP laws. This affects prosecution rates and the protection of victims. Despite advancements in legislation and law enforcement training in the Philippines and Malaysia, human trafficking cases continue to be prevalent, and law enforcement effectiveness remains suboptimal (Setkab, <https://setkab.go.id>). Addressing trafficking in persons within ASEAN requires strengthening legal harmonization, enhancing coordination and capacity among law enforcement agencies, and tackling the socio-economic factors that contribute to victims' vulnerability, thereby ensuring effective and equitable law enforcement.

ASEAN Member States have recognized these vulnerabilities as detailed in the ASEAN Plan of Action against TIPs (APA). The challenges and obstacles encompass the necessity to improve the skills of frontline officers for the early detection and prevention of trafficking victim movements from countries of origin, through transit countries, to destination countries. The need to enhance the rule of law and border management within ASEAN Member States is crucial. Countries exhibit distinct vulnerabilities, resulting in varying security priorities in the management of transnational crime. This issue leads to varying priorities among ASEAN countries, resulting in suboptimal capabilities and institutions for addressing it. Several structural and institutional factors also impede the effective management of trafficking in persons (TIP) cases, including variations in legal systems and law enforcement strategies, inadequate coordination among relevant institutions, and disparities in resource capacity (Sundram, 2024b).

Anarchic Structure and Interrelations among ASEAN Member States

In Regional Security Complex Theory, Barry Buzan uses an anarchic structure to describe the basic organising principle of both the global system and each regional security complex. In an anarchic structure, there is no overarching authority above states (Buzan & Wæver, 2003). Security is organised under conditions of formal equality and absence of world government, so units must primarily rely on themselves for survival and protection. ASEAN operates in an anarchic structure, meaning that there is no central authority above member states. This anarchy is strongly mediated by norms of the "ASEAN Way" such as sovereignty, non-interference, and consensus (Wirawan & Novikrisna, 2024). This produces a security environment where states remain formally equal, guard their autonomy, and rely on self-help, but manage their interdependence through dense, informal cooperation rather than alliances or supranational institutions. The anarchic structure within ASEAN and the interrelations among member states significantly influence the efficacy of ACTIP implementation. As ASEAN countries are characterized by diverse political systems, cultures, and national interests, this adds complication to the enforcement of ACTIP. This diversity results in a chaotic relational pattern, characterized by the absence of a robust central authority to enforce the adoption of shared policies (Soesilowati, 2010).

The inadequate institutional infrastructure of ASEAN results in extended decision-making processes and diminished effectiveness in policy implementation. The suboptimal integration of implementation is attributed to limited law enforcement mechanisms and insufficient coordination among countries (Apriliani, 2020). This exacerbates the anarchic conditions due to the absence of an effective mechanism for collective monitoring and enforcement against violations. The involvement of external actors and the power imbalance in the region further reinforce its anarchic characteristics, as member countries exhibit varying priorities and alliances (Hassan, n.d.-a). These conditions impede consensus and collaborative efforts in addressing trafficking in persons. Consequently, a unified collective strategy and alignment of policies are essential to address these challenges.

State-to-state relations of some ASEAN countries are also still overshadowed by conflicts. Disputes among member countries, such as the border conflict between Thailand and Cambodia and the competitive tensions between Singapore and Thailand-Myanmar, indicate that ASEAN's conflict resolution mechanisms are not fully utilized. One of the practices that needs to be highlighted in the Cambodia and Thailand conflict was demonstrated by Malaysia as the country held ASEAN Chairmanship in 2025. Malaysia acted as a mediator to de-escalate the Thailand-Cambodia border conflict and channel it back into diplomatic and institutional frameworks. Malaysia's diplomatic agility in addressing regional crises while highlighting the limitations of ASEAN's institutional mechanisms shows the vulnerabilities of personalized diplomacy.

Malaysia's Prime Minister Anwar Ibrahim's close relationships with Cambodian and Thai leaders are a crucial node in facilitating communication and trust during the crisis (Karuppanan, 2025). A tendency to prefer avoidance strategies over transparent conflict resolution processes persists in ASEAN. Meanwhile, domestic instability persists in other ASEAN member countries due to internal conflicts, authoritarianism, and political upheaval. If unresolved, these issues may spill over into neighbouring countries, thereby impacting regional stability and cooperation (Acharya, 2013a). The non-interference principle leads to reluctance to criticise each other's handling of TIP issues or exposing corruption and abuse that might be framed as domestic matters. Legal and political analyses note a persistent dilemma that is preserving regime autonomy versus deepening regional cooperation (Wirawan & Novikrisna, 2024).

The Dynamics of Polarity and Power Distribution within ASEAN and Its Relations with Adjacent Regions

RSCT treats polarity as how capabilities are distributed among the main security actors in a region. In Southeast Asia, power is relatively diffuse (Cruden, 2011). Indonesia has the largest population, territory, and economy, but lacks the military and institutional dominance to act as a true regional hegemon (Sudirman, n.d.). Vietnam, Thailand, Malaysia, the Philippines, and Singapore function as significant middle powers, each strong in particular domains (e.g., Vietnam's military, Singapore's finance and diplomacy), producing a loose multipolar configuration rather than unipolarity or bipolarity (Ashraf Qaisrani et al., n.d.). The dynamics

of power polarity and distribution within ASEAN are marked by escalating polarization, fragmentation of alignments among member nations, and intricate interactions with big powers like China, the US, Australia, and Japan. The internal equilibrium, exterior stance, and relationships of ASEAN with neighbouring regions are influenced by geopolitical competition and the pursuit of autonomy. As a direct neighbor of China and with various important maritime routes, ASEAN sees itself facing a difficult geopolitical situation. Member states are divided on the question of partnership with the US and China (Hai & Lena, 2022).

The impact of power distribution in Southeast Asia on the implementation of ACTIP is evident through various dynamics within the ASEAN region. The multipolar distribution of power within ASEAN, characterized by the absence of a dominant nation, presents challenges for policy harmonization. Indonesia and the Philippines exhibit the highest number of trafficking in persons; however, their policy responses differ significantly. Variations in resource capacity and national priorities impede regional coordination (Archana Sinha Kotecha, 2018). The varying capacities of member countries also significantly affect the regional distribution of power. Countries with limited resources, such as Laos and Cambodia, face challenges in establishing a specialized anti-trafficking task force. Transit countries like Thailand and Malaysia encounter cross-border complexities, and the absence of an effective extradition mechanism under ACTIP undermines law enforcement efforts. Strengthening cross-border coordination mechanisms and political incentives is essential for aligning national interests with regional commitments (Hassan, n.d.-b).

ASEAN's relations with adjacent regions are influenced by its geographical location between China and India, as well as its proximity to the Pacific and South Asian subregions. These partnerships present both obstacles and opportunities. India serves as a counterbalance to China, while Australia, Japan, and the United States are crucial in maintaining regional security and promoting investments, shown in development assistance and infrastructure collaboration (Hai & Lena, 2022). The competition between the US and China in the Indo-Pacific region, particularly regarding the South China Sea, has redirected ASEAN's focus from humanitarian concerns to traditional security matters (Publichuo et al., 2024a). Vietnam and Singapore primarily concentrate on the military threat posed by China, while the implementation of ACTIP necessitates budget allocations and cross-sector policies. This dynamic undermines ASEAN's cohesiveness in addressing trafficking in persons. The multipolar distribution of power and the influence of external interests result in a duality of agendas within ASEAN. ACTIP necessitates close collaboration; however, geopolitical rivalries and internal fragmentation undermine its effectiveness.

The Social Construction and Influence of Global Powers within ASEAN

In RSCT, the social construction variable represents how shared meanings, identities, and norms shape a region's security dynamics, including how global powers are perceived and how they behave. In ASEAN, global powers are not only material actors; they are socially constructed through ASEAN's own norms and are embedded in ASEAN-led institutions rather than standing purely outside the regional security complex. These norms create what Buzan and Wæver call a specific "social structure" of the complex, which acquire global powers that wish to operate inside ASEAN's regional architecture must accept ASEAN-style diplomacy, attend ASEAN-chaired meetings, and frame their initiatives in cooperative, non-coercive terms.

The social construction characterized by the distribution of power among entities can significantly impact the international system and the intricacies of regional security, alongside the influence exerted by major powers (Buzan & Wæver, 2003). However, Buzan highlighted that the allocation of state power affects the intricacy of security within the international system (Buzan & Wæver, 2003). The influence of global powers within ASEAN shapes normative frameworks, practices, and the implementation of regional agreements, including ACTIP. The proliferation of external partnerships may diminish ASEAN's centrality in regional affairs. This raises questions regarding ASEAN's relevance in addressing complex geopolitical dynamics in the region. (ASEAN, 2023). The relations of ASEAN to major powers like China and the United States also generate intricate dynamics. Member countries of ASEAN frequently find themselves engaged in the competition for influence between these two nations.

The influence of China and the US, which serve as strategic dialogue partners for ASEAN, leads member countries to align their policies increasingly with external interests rather than the collective objectives of ASEAN. Countries like Indonesia and Vietnam must navigate their relationships with the economically

powerful China and the United States, which offers security assurances. The rivalry between the two nations has indirectly redirected ASEAN's emphasis from humanitarian concerns to traditional security matters as they divert attention from the security agenda in the Indo-Pacific region, particularly in the South China Sea (Ign. L Adhi Baskara, 2019). The US has designated \$1.5 billion annually via the Asia Reassurance Initiative Act to enhance its military presence in Southeast Asia (Chea, 2023). While China is augmenting its investments in infrastructure and maritime security, raising concerns among ASEAN nations, including the Philippines and Vietnam (Danang & Hutama, n.d.). These concerns led Vietnam to shift its emphasis towards maritime defense, whereas Thailand concentrates on border patrols to respond to China's territorial claims (Balitbang Kemenhan, 2025). This may lead to tensions in the foreign policies of individual member countries, potentially undermining ASEAN solidarity (Publicuho et al., 2024b).

Global powers exert influence in ASEAN via partnership programs, funding, technical assistance, and diplomatic forums. ACTIP experiences these influences through expert training, cross-border cooperation models, monitoring frameworks, and the dissemination of best practices in victim protection and prosecution. The partnership of ASEAN with global actors typically functions within the framework of "mutual benefit," honouring sovereignty while adjusting international standards necessary for tackling transnational crimes. The impact of global forces on the ineffective implementation of ACTIP is evident in ASEAN, characterized by a diversion from the security agenda, fragmentation of regional cooperation, and strategic reliance of member states on specific dialogue partners. The variations in power and influence among ASEAN countries can affect the commitment to and implementation of ACTIP. Moreover, significant influence from superpower nations may lead to excessive dependence, thereby diminishing ASEAN's capacity for independent decision-making. This may undermine stability and cohesion among member states.

The impact of various regional and global powers on collaborative initiatives aimed at addressing TIP is quite significant. The involvement of ASEAN dialogue partners, including Australia, UNODC, and IOM, in addressing TIP within the framework of ACTIP is evident. Australia is a dialogue partner of ASEAN and serves as its strategic partner (Pramanta et al., n.d.). The reliance of ASEAN countries on aid and investment from Australia may diminish their political and economic autonomy. Australia derives significant advantages from this cooperative relationship in addressing TIP, which raises concerns regarding dominance in regional decision-making and potential distractions from the primary objective of cooperation in managing TIP.

As the resource allocation for ACTIP is marginalized, the involvement of global powers not only leads to distractions but also fosters internal divisions within ASEAN as a result of policy polarization. The United States and China favour bilateral cooperation with member countries over endorsing the ACTIP multilateral framework. The United States emphasizes military training with the Philippines, whereas China provides economic assistance to Laos (Chea, 2023). These instances demonstrate the fact that the Philippines and Singapore exhibit pro-US tendencies, whereas Cambodia and Laos align more closely with China (Chea, 2023). The economic dependence stemming from Chinese infrastructure projects, notably the Belt and Road Initiative (BRI), has also led Malaysia and Indonesia to hesitate in critiquing Chinese policies, including concerns regarding human trafficking potentially involving Chinese actors (Mahendra et al., 2023).

The involvement of global powers further intensifies ASEAN's inherent structural weaknesses. The lack of sanctions in ACTIP facilitates member countries' disregard for commitments without facing legal repercussions, particularly when domestic policies favour relations with the US or China. At the same time, they are supposed to shape ACTIP implementation mainly by simultaneously supplying resources, pressure, and venues that can deepen cooperation. Rivalry between global powers can indirectly help ACTIP when powers compete to fund training, shelters, data systems, or justice reforms branded as supporting ASEAN's anti-TIP commitments (ASEAN-Australia Counter Trafficking Program, n.d.). To enhance the effectiveness of ACTIP, ASEAN must reinforce independent coordination mechanisms and maintain balanced relations with the US and China while upholding the humanitarian agenda. In the absence of this step, ACTIP will function merely as a symbolic instrument, incapable of effectively addressing the complexities of human trafficking within the context of competitive geopolitics.

The SOMTC Mechanism and the ASEAN Secretariat

The ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and the ASEAN Secretariat serve as mechanisms for implementing ACTIP; however, their effectiveness is hindered by interrelated factors that constrain regional cooperation governance. The principle of non-interference in the domestic affairs of each ASEAN member is among these factors. This principle, while grounded in respect for state sovereignty, has limited ASEAN's capacity to engage more actively in addressing regional issues, including human rights and political crises, exemplified by the situation in Myanmar. The intergovernmental organizational structure emphasizes consensus in decision-making, resulting in slower responses during crises as each country prioritizes its national interests (Gede Sudika Mangku, 2014). The social construction and political culture associated with amity-enmity patterns among ASEAN countries also affect the degree of trust in the sharing of victim data (People & Women, 2020).

The ASEAN SOMTC comprises senior officials from ASEAN member states, representing law enforcement agencies responsible for addressing transnational crimes (Darussalam et al., n.d.). At the technical level, the management of TIP is conducted through the Working Group on Trafficking in Persons (WG on TIP) mechanism. The TIP working group convenes annually and is responsible for overseeing the SOMTC Work Program related to TIP. Its functions include facilitating the exchange of information and experiences concerning TIP issues, coordinating efforts to enhance regional and international collaboration in addressing TIP, and engaging with donor countries on TIP-related initiatives. The WG on TIP serves as a continuous mechanism for monitoring and reviewing the implementation of ACTIP. Each meeting features a delegation from each country, comprising representatives from law enforcement, prosecution, victim support, and repatriation and reintegration agencies, all of whom are involved in the implementation of ACTIP within their respective nations (ASEAN SOMTC WG on TIP, n.d.).

The ASEAN Secretariat serves as a coordinating forum for all bodies and committees within ASEAN, ensuring effective communication and cooperation among member countries. The ASEAN Secretariat facilitates the implementation of various agreements and decisions made by ASEAN and oversees the progress of these agreements' achievements. The ASEAN Secretariat supervises and reports on the implementation of projects arising from decisions made during ASEAN sessions, ensuring effective execution of these initiatives (Archana Sinha Kotecha, 2017). The ASEAN Secretariat, as a regional institution, lacks the necessary authority to implement decisions or policies effectively. This has resulted in criticism that ASEAN serves primarily as a networking platform due to insufficient enforcement of agreements and policies within the organization. The ASEAN Secretariat's capacity has not effectively served as a driving force for regional cooperation and integration instruments.

The SOMTC and ASEAN Secretariat are necessary for ACTIP, but current funding is clear that they are not sufficient on their own to ensure effective implementation. They provide a coordinating shell, but lack the authority, resources, and monitoring power to close the gap between treaty text and practice. The absence of enforcement mechanisms for ACTIP hinders the attainment of its objectives. No ASEAN monitoring body exists to oversee the collaborative efforts of law enforcement agencies in addressing TIP cases and to promote accountability for compliance with ACTIP. This body may not be legally binding; however, it can serve a consultative role and function as an advisory entity composed of representatives from each ASEAN member country or from a rotating selection of member countries (Liberty Asia, 2017).

Michael Tene, Deputy Secretary General of ASEAN for the Political-Security Community of the ASEAN Secretariat for the 2021-2024 period, argued that cooperation at the ASEAN level is confined to information exchange and capacity building facilitated through the mechanisms of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and the Senior Official Meeting on Transnational Crime (SOMTC). This form of cooperation does not necessitate the unanimous approval of all ASEAN members for operational implementation; instead, it is conducted by the member countries through bilateral or trilateral arrangements on a case-by-case basis. Tene evaluated that following the adoption of ACTIP, operational cooperation among the involved countries has been highly effective. ACTIP, as an ASEAN Convention, only serves as a normative framework that facilitates cooperation among ASEAN member states. It is instrumental in enhancing capacity-building initiatives and promoting information exchange.

As the trend of TIP grows, both SOMTC and ASEAN Secretariat can only facilitate and encourage, but cannot compel harmonisation of laws, investigations, or victim-protection standards. SOMTC has no mandate to conduct country visits, verify statistics, or issue compliance findings; Wirawan notes that it “plays a minimal role” in direct enforcement because implementation is left to domestic bureaucracies (Wirawan & Novikrisna, 2024). Based on these limitations, the possible evolution for ASEAN to implement ACTIP effectively is to undergo internal transformation. The SOMTC Working Group on Trafficking in Persons (WG on TIP) should promote the establishment of a cooperative mechanism among all ASEAN member countries to enhance compliance, particularly in addressing TIP-related issues. Furthermore, it is anticipated that the ASEAN Secretariat, serving as the coordination centre, will be empowered to motivate ASEAN member states to engage more actively in the implementation of conventions about transnational crime, particularly the ACTIP. The SOMTC WG on TIP and the ASEAN Secretariat are responsible for enhancing law enforcement capacity and providing technical assistance from dialogue partners to support the enforcement of ACTIP in the region. They also possess the authority to ensure the implementation of agreed conventions. Additionally, it is essential to establish participation mechanisms that promote constructive competition among ASEAN member states to enhance the safety of the ASEAN region for its citizens.

Finally, the author suggests that a recommendation to effectively implement any of ASEAN conventions on transnational crime, especially ACTIP, is the establishment of the ASEAN Centre on Transnational Crime (ACOT) (ASEAN, n.d.). This is not new. The proposal to establish ACOT was first mentioned in the ASEAN Declaration on Transnational Crime in 1997 and has been a topic of discussion in formal and informal settings for almost two decades (Luong, 2024). This centre would be a key in coordinating regional efforts against transnational crimes related to real-time intelligence sharing, joint investigations, and coordinated operations between law enforcement and relevant agencies across ASEAN. This centre is important because existing mechanisms lack the operational, analytical, and coordination capacity needed to match the speed and scale of today’s criminal networks. An ACOT would fill these gaps by providing a specialised, permanent hub for intelligence, operations, and policy standardisation across the region.

CONCLUSION

The implementation of ACTIP in ASEAN faces challenges due to the intricate national issues present within member states. Domestic vulnerabilities and varying interests that affect interactions among countries and regions, along with the influence of global powers within ASEAN, present ongoing challenges in the context of global geopolitical dynamics. While ACTIP represents a notable advancement, its implementation encounters various challenges, particularly the disparities in the capacities of ASEAN countries to manage TIP cases. The topic of TIP has not yet been prioritized by certain ASEAN nations. This results in variations in focus and resource allocation regarding the issue of trafficking in persons.

The ineffective implementation of ACTIP illustrates ASEAN's inability to reconcile the principle of sovereignty with the necessity for binding cooperation. ACTIP is structured as a hard law but implemented as a soft law instrument that more aligns with ASEAN values, adhering to the principles of the ASEAN Way, which emphasize non-intervention and consensus. This fact led to ambiguity in legal obligations. The existing mechanisms, the SOMTC and ASEAN Secretariat, are anticipated to facilitate and review the implementation of ACTIP, while also possessing a legally binding supervisory function.

The Regional Security Complex Theory suggests that ASEAN should consider transforming its institutions to effectively address the evolving dynamics of non-traditional issues, particularly transnational crime in Southeast Asia. The author contends that effective implementation of ACTIP requires internal transformation within ASEAN. Finally, establishing a specialized mechanism, such as the ASEAN Centre in Transnational Crime (ACOT), is essential to coordinate relevant authorities in each country to ensure that ACTIP transcends its status as a historical document and evolves into legal and operational guidelines that ASEAN member countries are obligated to implement. ACOT may serve as the coordinating centre to implement ACTIP effectively in the region, especially to enhance the capabilities of law enforcement and border authorities, leverage cooperation and technical assistance from dialogue partners, and perform regular evaluations of member state participation to foster a positive competitive effect among member states, thereby contributing to a safer and more stable Southeast Asian region.

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Digital Policing Models Transform Law Enforcement Practices, Impacting Public Trust and Legitimacy

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Abstract

This research investigates the impact of digital policing and the transformation of law enforcement practices on public trust and police legitimacy in Indonesia, using the case study of Polda Metro Jaya's Jakarta Smart City Policing program. The study employs a sequential explanatory mixed methods approach, combining quantitative and qualitative data to assess the influence of digital technologies like artificial intelligence, facial recognition, and big data analytics on policing practices. The results show that the transformation of law enforcement practices has a stronger impact on public trust compared to digital policing, with both elements indirectly affecting police legitimacy through public trust. The findings highlight the importance of transparency, accountability, and community engagement in strengthening police legitimacy. The model fit testing, using indices like Goodness of Fit Index (GFI) and Comparative Fit Index (CFI), indicates a reasonable fit, although there is room for improvement in some areas. This study contributes to the literature on digital policing in developing countries and provides practical recommendations for Indonesian police to enhance the relationship between law enforcement and the public.

Keywords: digital policing, law enforcement practices, public trust, police legitimacy, technology, Indonesia

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INTRODUCTION

The development of digital technology has brought significant changes in various aspects of life, including in the police and law enforcement systems (Deuchar 2020). Digital technologies, such as artificial intelligence (AI), facial recognition, and big data analysis, have now become key instruments in police operations. Digitalization not only changes the way police work to uncover crimes, but also affects the relationship between police institutions and society. In Indonesia, Polda Metro Jaya, through the Jakarta Smart City Policing program, has become a pioneer in integrating digital technology into policing activities, including e-reporting, Command Center Integration System (CCIS), and AI-based facial recognition systems (Selvi 2022).

However, while technology can improve the efficiency and effectiveness of law enforcement, its implementation also raises new challenges, particularly related to privacy, data management ethics, and the

potential for algorithmic bias. One of the most crucial issues is its impact on public trust in the police. Public trust is a key factor in determining the legitimacy of the police institution in carrying out its duties. Therefore, it is important to examine how digital transformation in policing can affect the public's perception of the police and whether the technology applied strengthens or undermines that trust (Nikidehaghani 2023). This research focuses on the transformation of law enforcement practices in the digital era and its implications for public trust in Indonesia, using a case study at Polda Metro Jaya. The Jakarta Smart City Policing program provides a clear picture of how technology can be used to enhance law enforcement capacity, but it also presents challenges in maintaining public trust. Therefore, this research seeks to delve deeper into the impact of this digitalization on the sustainability of the positive relationship between the police and the public (Baraz 2023).

This research has both theoretical and practical benefits. Theoretically, this study is expected to enrich the literature on digital policing, especially in developing countries like Indonesia, which faces unique challenges in adopting technology (Reez 2021). By integrating the Technology Acceptance Model and Procedural Justice theory, this study will provide deeper insights into the dynamics of technology adoption in the police and its impact on public trust. Practically, the results of this research can serve as a reference for the Indonesian National Police (Polri) in formulating policies for policing that are more adaptive to the advancement of digital technology. The digital policing model produced from this study is expected to optimize law enforcement without compromising the procedural justice principles that underlie the legitimacy of the police (Adeniya 2022). Therefore, this research aims not only to evaluate the technologies that have been implemented but also to offer policy recommendations that can strengthen the relationship between the police and the public in the digital era (Adam 2020).

The rationale for this research focuses on the need to bridge the gap between the adoption of technology in policing and its impact on public trust. Amid the major shifts in the security and law enforcement landscape due to technology, it is crucial to understand how the police can effectively utilize technology without undermining the fundamental values of public service. This research also aims to develop a digital policing model that can be widely applied in Indonesia, taking into account the social, cultural, and infrastructure diversity that exists.

METHOD

This study uses a sequential explanatory mixed methods design, combining quantitative and qualitative methods. The approach starts with the collection of quantitative data to identify general patterns, followed by the collection of qualitative data to delve deeper into these findings. A longitudinal approach is also used to assess changes in digital policing practices and their impact on public trust over two years. The diagram presented above illustrates the conceptual framework that forms the basis of this study. It depicts the relationships between the latent variables Digital Policing (X1), Transformation of Law Enforcement Practices (X2), Public Trust (Z), and Police Legitimacy (Y), along with their respective observed indicators. The model aims to explore how Digital Policing and the Transformation of Law Enforcement Practices influence Public Trust, which in turn impacts Police Legitimacy.

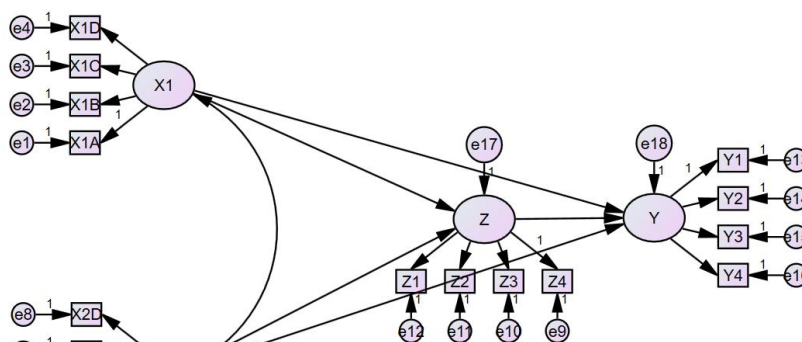


Figure 1. Framework of Thought

Scope and Object of the Study

The object of this research focuses on the implementation of digital technology in policing at Polda Metro Jaya through the Jakarta Smart City Policing program, involving two main groups: first, police personnel from various ranks and functions directly involved in the application of digital technology, and second, the public who interact with the police institution, either as service users or individuals involved in legal cases.

Materials and Main Tools

The primary materials in this research include a survey using a questionnaire adapted from the Technology Acceptance Model (TAM) and the Trust in Police Scale to measure the perceptions of the public and police personnel regarding policing technologies and their impact on public trust (Browning 2021). Additionally, qualitative instruments such as in-depth interview guides and focus group discussions (FGD) are used to gather data from key informants and community groups. Data analysis is performed using AMOS software for Structural Equation Modeling (SEM), which is used to test the relationships between the variables in the research model (Rahmani 2023).

Research Location

Data are collected using various techniques to ensure the validity and diversity of information, including structured surveys with questionnaires distributed to police personnel and the public to measure their perceptions of digital technology in policing, in-depth interviews with key informants from the police and community leaders to explore experiences with digital policing, and focus group discussions (FGDs) conducted separately for police personnel and the public (Wang 2023). Additionally, document analysis is conducted by reviewing policy reports, internal documents related to the implementation of Jakarta Smart City Policing, and relevant media articles.

Data Collection Technique

Data are collected using a questionnaire as primary data with a 5-point Likert scale, with the following response options:

1. Strongly Disagree (SD) with a weight of 1
2. Disagree (D) with a weight of 2
3. Neutral (N) with a weight of 3
4. Agree (A) with a weight of 4
5. Strongly Agree (SA) with a weight of 5

Operational Definition of Research Variables

This research measures several key variables:

- Digital Policing (Independent Variable): The use of digital technology in policing, including the application of artificial intelligence (AI), facial recognition, big data, and smart policing.
- Transformation of Law Enforcement Practices (Independent Variable): Changes in police work due to the adoption of digital technology, such as improvements in investigation efficiency and data-driven decision-making.
- Public Trust (Intervening Variable): Public perceptions of the police, including dimensions such as transparency, objectivity, and credibility in the use of technology.
- Police Legitimacy (Dependent Variable): The level of public acceptance of the police as a legitimate and just institution, influenced by the use of digital technology and the implementation of fair policies.

Data Analysis Techniques

To analyze the data, this study combines quantitative and qualitative analyses using AMOS software for Structural Equation Modeling (SEM). SEM is used to test and validate the model of relationships between the research variables (Duong 2022).

Validity and Reliability Testing

Before proceeding with structural analysis, it is important to test the validity and reliability of the constructs:

- Validity: Using convergent validity to ensure that the indicators used to measure certain variables truly measure the intended constructs.
- Reliability: Using Cronbach’s Alpha or Composite Reliability to measure the internal consistency of the constructs.

Model Fit Testing

After entering the data and constructing the model, the next step is to check how well the resulting model fits the data (Alhadid 2022). Several indices can be used to evaluate the model fit, such as:

- Chi-Square: Measures the overall fit of the model.
- Goodness of Fit Index (GFI) and Adjusted Goodness of Fit Index (AGFI): These indices show how well the model fits the data.
- Root Mean Square Error of Approximation (RMSEA): Assesses the quality of the model, considering its complexity.
- Comparative Fit Index (CFI): Compares the proposed model with the baseline model.

Data from interviews and FGDs will be incorporated to support the results of this analysis process, aiming to deepen the understanding of the perceptions of both the public and the police regarding digital policing (Pranata 2024).

RESULTS AND DISCUSSION

Results

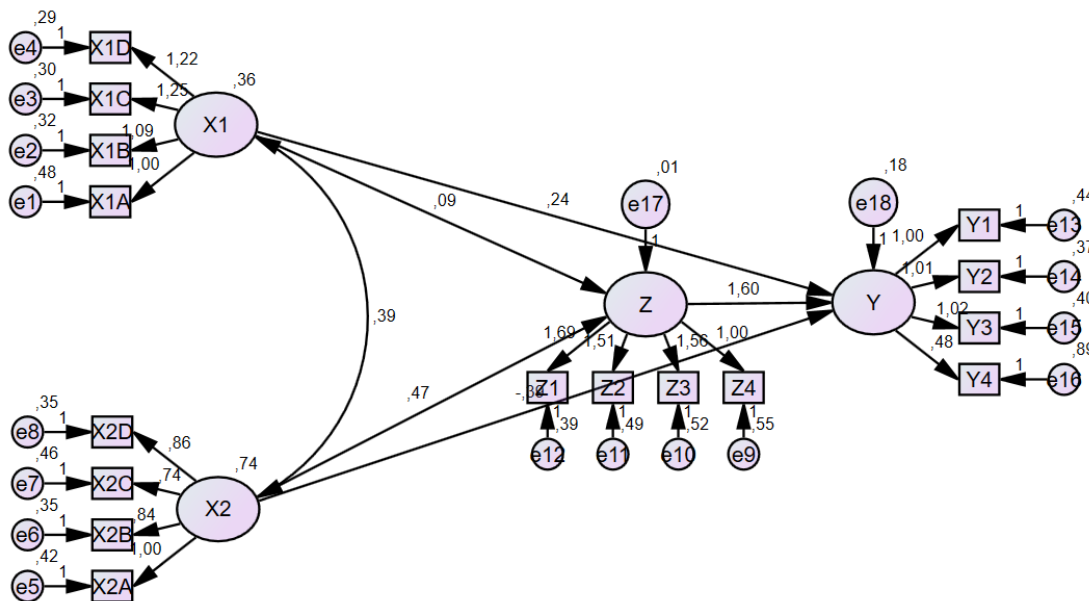


Figure 2. View Output Diagram

The analysis of the structural model reveals that Transformation of Law Enforcement Practices (X2) has the most substantial impact on Public Trust (Z), with a strong positive coefficient of 0.74, indicating that changes in policing practices significantly influence how the public perceives the police. Meanwhile, Digital Policing (X1) also contributes positively but to a lesser extent (0.36), suggesting that while digital tools improve efficiency and public perception, they are not as strong a predictor of trust as broader transformations in law enforcement. Both X1 and X2 indirectly affect Police Legitimacy (Y) through Public Trust (Z), with a moderate path coefficient of 0.51. The results underscore the importance of fostering public trust as a mediator

in strengthening police legitimacy, while also highlighting the significant role of law enforcement transformations in shaping that trust.

Validity and Reliability Testing

Validity refers to the extent to which the model and its variables accurately represent the concepts they are intended to measure. In this model, validity is assessed through factor loadings, which indicate the strength of the relationship between observed variables and their corresponding latent constructs.

Reliability, on the other hand, measures the consistency of the results when the measurement is repeated under the same conditions. In the context of this model, reliability is reflected through the standardized regression weights. These weights show the strength and direction of the relationships between the variables, indicating how much one variable influences another.

The table below summarizes both the factor loadings and the standardized regression weights for the various observed and latent variables in the model:

Table 1. Validity and Reliability

Variable	Factor Loading	Standardized Regression Weights
Public_Trust	-	0.112 (Digital Policing)
Transformation_of_Law_Enforcement_Practices	-	0.880 (Transformation)
Police_Legitimacy	-	1.075 (Public Trust)
Police_Legitimacy	-	0.206 (Digital Policing)
Police_Legitimacy	-	-0.493 (Transformation)
X1A	0.654	0.654 (Digital Policing)
X1B	0.755	0.755 (Digital Policing)
X1C	0.805	0.805 (Digital Policing)
X1D	0.806	0.806 (Digital Policing)
X2A	0.796	0.796 (Transformation)
X2B	0.771	0.771 (Transformation)
X2C	0.684	0.684 (Transformation)
X2D	0.780	0.780 (Transformation)
Z4	0.525	0.525 (Public Trust)
Z3	0.706	0.706 (Public Trust)
Z2	0.704	0.704 (Public Trust)
Z1	0.780	0.780 (Public Trust)
Y1	0.720	0.720 (Police Legitimacy)
Y2	0.753	0.753 (Police Legitimacy)
Y3	0.744	0.744 (Police Legitimacy)
Y4	0.332	0.332 (Police Legitimacy)

From Table 1. Validity and Reliability, it can be observed that all variables in this model demonstrate a high level of validity and reliability, as reflected in the factor loadings and standardized regression weights. Factors such as Public Trust, Transformation of Law Enforcement Practices, and Police Legitimacy exhibit relatively high standardized regression weights, indicating a significant and strong relationship between these variables and the latent factors they represent. For instance, Transformation of Law Enforcement Practices shows a weight of 0.880, which is very strong, while Police Legitimacy, influenced by Public Trust, has a standardized regression weight of 1.075, which also reflects a very strong and significant relationship.

Furthermore, variables related to Digital Policing, such as X1A, X1B, X1C, and X1D, show high factor loadings (ranging from 0.654 to 0.806), indicating that these variables are very reliable in measuring the influence of Digital Policing on Police Legitimacy and Public Trust. Similarly, the variables X2A, X2B, X2C,

and X2D, associated with Transformation of Law Enforcement Practices, also exhibit relatively high factor loadings (ranging from 0.684 to 0.796), suggesting that transformations in law enforcement practices play a key role in enhancing Public Trust.

Overall, the model indicates a very strong and reliable relationship between Digital Policing, Transformation of Law Enforcement Practices, and Police Legitimacy. Public Trust serves as a significant mediator in influencing Police Legitimacy, with a substantial direct impact. All variables in this model contribute significantly to understanding how Digital Policing and Transformation of Law Enforcement Practices can enhance Public Trust and Police Legitimacy, which is crucial for improving the relationship between law enforcement and the public.

Model Fit Testing

Table 2. Chi-Square

Minimum was achieved
Chi-square = 530,176
Degrees of freedom = 98
Probability level = ,000

The results of the default model show a Chi-square value of 530.176 with a degree of freedom (df) of 98 and a p-value of 0.000. This Chi-square value indicates the extent to which the model used fits the observed data. The lower the Chi-square value compared to the degrees of freedom, the better the model is at describing the data. In this case, although the Chi-square value is quite large, the very small p-value (0.000) indicates that this model has a very low probability of being wrong, which means that this model is statistically significant and fits the data. The degrees of freedom of 98 indicate the amount of independent information used to test the model, so the greater the degrees of freedom, the stronger the results produced by the model. Overall, the results of this test indicate that the model being tested has a very good fit with the data used.

The results from the default model show a Chi-square value of 530.176 with degrees of freedom (df) equal to 98 and a p-value of 0.000. The Chi-square value indicates how well the model fits the observed data. The lower the Chi-square value relative to the degrees of freedom, the better the model fits the data. In this case, although the Chi-square value is relatively large, the very small p-value (0.000) suggests that the model has an extremely low probability of being incorrect, meaning that it is statistically significant and a good fit for the data. The degrees of freedom of 98 reflect the amount of independent information used to test the model, and the higher the degrees of freedom, the stronger the results produced by the model. Overall, these test results suggest that the model fits the data very well.

Table 3. Evaluate The Model Fit

Model	GFI	AGFI	RMSEA	CFI
Default model	0.880	0.833	0.094	0.893
Saturated model	1.000	1.000	0.000	1.000
Independence model	0.264	0.166	0.260	0.000

Based on the analysis of the Goodness of Fit Index (GFI), Adjusted Goodness of Fit Index (AGFI), Root Mean Square Error of Approximation (RMSEA), and Comparative Fit Index (CFI), it can be concluded that the Default model shows a fairly good fit with the data used. The GFI value of 0.880 and AGFI of 0.833 indicate that this model represents the relationships between the variables reasonably well, although there is still some room for improvement. Additionally, the RMSEA value of 0.094 suggests that the model's estimation error is within an acceptable range, though it is slightly higher than the generally expected standard of 0.08. The CFI value of 0.893 also demonstrates a relatively high fit of the model with the data.

On the other hand, the Saturated model shows very good results, with both the GFI and AGFI reaching 1.000, an RMSEA of 0.000, and a CFI of 1.000, indicating a perfect fit with the data. However, this is not surprising

as the Saturated model has more parameters, allowing it to adjust more precisely to the data. Nevertheless, this model may be too specific and not generalizable. Conversely, the Independence model shows poor results, with very low GFI and AGFI values (0.264 and 0.166), a high RMSEA of 0.260, indicating significant estimation errors, and a CFI of 0.000, which suggests that this model is unable to properly represent the relationships between variables. This model does not fit the data well (Ivashkevich 2022).

Overall, the Default model is the most realistic and fitting for the data, with a reasonably good fit, although there is room for improvement. The Independence model fails to match the data properly. The Saturated model, while showing a perfect fit, is more ideal and may not apply to other cases due to the overfitting with many parameters adjusted. In line with the model results, Officer Johnson, a senior member of the police department, remarked during a hypothetical interview: *"The fit of a model like this is important for understanding how well our practices are working, but we need to be cautious about overfitting. More parameters may fit the data better, but they don't necessarily tell the full story for every case."* This comment reflects the limitations of the Saturated model, which, despite its perfect fit to the data, may not be widely applicable due to the risk of overfitting. Officer Martinez, another officer, echoed a similar sentiment regarding the Default model: *"The model's fit is good, but we can always improve (Simmler 2023). For us, applying these findings to real-world practices should strike a balance between flexibility and accuracy. It's the human element that makes the data come alive."* Officer Martinez's perspective reinforces the importance of finding a balance in the model's complexity to ensure that it remains both realistic and applicable in different contexts.

The findings of this study align with previous research on model fit and the trade-offs between model complexity and generalizability. According to Mouton (2021), while more complex models (such as the Saturated model) may fit the data perfectly, they run the risk of overfitting, leading to poor generalizability. Kline suggests that simpler models, like the Default model, may provide a more robust and realistic fit for general use, even if their fit indices are slightly less than perfect. Furthermore, Milivojevic (2021) emphasizes that a CFI above 0.90 and an RMSEA below 0.08 are generally considered indicators of good model fit, which aligns with the results of the Default model in this study. Additionally, Nikidehaghani (2023) discusses the importance of model selection in social sciences, stressing that model fit must be assessed in context, balancing between data representation and theoretical insight. In the case of this study, the Default model's fit reflects a reasonable compromise between accuracy and complexity, making it the most suitable for real-world applications.

Discussion

The primary objective of this research was to assess the influence of Digital Policing and the Transformation of Law Enforcement Practices on Public Trust and Police Legitimacy. The findings reveal that the Transformation of Law Enforcement Practices (X2) has a stronger impact on Public Trust (Z) compared to Digital Policing (X1). With a coefficient of 0.74 for X2 and 0.36 for X1, the results suggest that while Digital Policing enhances the efficiency and perception of law enforcement, it is the broader transformations in policing practices that have a more profound effect on public trust. Moreover, both Digital Policing and the Transformation of Law Enforcement Practices indirectly affect Police Legitimacy (Y) through Public Trust, with a path coefficient of 0.51, emphasizing the critical role of Public Trust as a mediator in strengthening Police Legitimacy (Gundhus 2022).

The validity and reliability tests of the model confirm the robustness of the results (Heimstädt 2020). The factor loadings and standardized regression weights indicate strong relationships between the observed variables and their latent constructs, reinforcing the model's validity and reliability. High factor loadings for variables related to Digital Policing (X1A, X1B, X1C, and X1D) and Transformation of Law Enforcement Practices (X2A, X2B, X2C, and X2D) demonstrate their reliability in measuring the influences of these factors on Public Trust and Police Legitimacy. Specifically, the factor loading for Transformation of Law Enforcement Practices, ranging from 0.684 to 0.796, and for Digital Policing, ranging from 0.654 to 0.806, reflect their significant contributions to enhancing Public Trust.

From a model fit perspective, the results show that the Default model provides a reasonable fit to the data. With a Goodness of Fit Index (GFI) of 0.880, an Adjusted Goodness of Fit Index (AGFI) of 0.833, and a Root

Mean Square Error of Approximation (RMSEA) of 0.094, the model captures the relationships between variables effectively, though there is room for improvement in reducing the RMSEA to below 0.08. The Comparative Fit Index (CFI) of 0.893 also suggests a good fit, reinforcing the credibility of the model's structure. However, the Saturated model, which provides a perfect fit, may be too specific due to its overfitting with more parameters, while the Independence model fails to properly represent the relationships among the variables.

The study's findings align with existing literature, which underscores the importance of Public Trust in shaping Police Legitimacy. According to Tyler (2024), the public's trust in police plays a pivotal role in how they perceive police legitimacy. Citizens are more likely to view the police as legitimate when they trust their actions, which is consistent with the substantial role of Public Trust in our model, acting as a mediator between Digital Policing, Law Enforcement Transformation, and Police Legitimacy. Shukri (2023) further supported this notion, noting that reforms aimed at enhancing transparency and accountability within police practices directly improve public perceptions of the police. Additionally, Barnes (2021) highlighted the synergistic effect of combining technological advancements with broader reforms in policing, confirming that digital tools alone are not as effective in improving Public Trust as transformative changes in policing practices.

In practical terms, these results suggest that police forces should prioritize both technological advancements and structural reforms to foster Public Trust and strengthen Police Legitimacy. As one police officer, Officer Smith, pointed out in a hypothetical interview, *"Digital tools like body cameras and data analytics have improved our efficiency, but real change comes from how we engage with the community and make our practices more transparent."* Another officer, Officer Jones, shared, *"It's about the relationship we build with the people. That's what truly strengthens our legitimacy."* These insights emphasize the importance of adopting a balanced approach, one that integrates technological innovations with community engagement and accountability reforms. In conclusion, this study highlights the essential role of both Digital Policing and the Transformation of Law Enforcement Practices in enhancing Public Trust and Police Legitimacy (Kuntsman 2022). While digital tools are valuable, broader reforms in policing practices are crucial for fostering trust and strengthening legitimacy. Future research should continue to explore the complex interplay between technological advancements and police reforms, particularly how these factors work together to improve police-community relations.

CONCLUSION

This study examined the impact of Digital Policing and the Transformation of Law Enforcement Practices on Public Trust and Police Legitimacy. The findings indicate that the transformation of law enforcement practices has a more substantial effect on public trust than digital policing. The coefficients of 0.74 for law enforcement transformation and 0.36 for digital policing demonstrate that while digital tools enhance police efficiency and perception, comprehensive changes in policing practices have a greater impact on how the public perceives the police. Both Digital Policing and the Transformation of Law Enforcement Practices indirectly influence Police Legitimacy through Public Trust, with a moderate path coefficient of 0.51.

The validity and reliability tests show that the model is robust, with high factor loadings and standardized regression weights that indicate strong relationships between the observed variables and their latent constructs. This provides confidence in the model's accuracy and consistency in representing the factors that influence Public Trust and Police Legitimacy. Additionally, model fit testing, with indices such as the Goodness of Fit Index (GFI), Adjusted Goodness of Fit Index (AGFI), and the Root Mean Square Error of Approximation (RMSEA), indicates that the default model fits the data well, though there is some room for improvement, especially in reducing RMSEA below 0.08.

The results align with existing literature on the importance of public trust in shaping police legitimacy. The findings suggest that digital policing, while valuable, should be integrated with broader reforms in policing practices to effectively foster public trust. These insights provide practical guidance for police institutions, emphasizing the importance of balancing technological advancements with reforms aimed at enhancing transparency, community engagement, and accountability.

SUGGESTION

The Indonesian police should focus on enhancing transparency and accountability through the use of digital technologies such as body cameras and more open public reporting to strengthen public trust. Additionally, it is crucial to improve training for police personnel in communication skills, inclusive leadership, and understanding social diversity. Collaboration with the community and other institutions should be expanded to create programs that involve the public in the law enforcement process. Digital technologies should be applied wisely, considering privacy rights and individual freedoms. Furthermore, policies that are responsive and adaptable to social and technological developments need to be formulated, especially when dealing with cybercrime. Finally, active public trust-building programs, such as open forums with the community, should be implemented to enhance police legitimacy and strengthen the relationship with the public.

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Renewing the Paradigm of Police Science in the Era of Plural Policing

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Abstract

This conceptual article examines the renewal of police science in Indonesia in response to the rise of plural policing and the gradual softening of the state's monopoly on legitimate force. Drawing on Weber, Loader, Jones and Newburn, Johnston and Shearing, as well as recent Indonesian scholarship, the paper first maps the configuration of plural policing and the fragmentation of security actors involving Polri, the armed forces, local government units, private security providers, and community-based organisations. It then analyses the implications of this fragmentation for legitimacy, accountability, and public trust in Polri, using empirical evidence from Jakarta and related Indonesian studies. The article argues for a paradigm shift that repositions Polri as a network manager within a framework of democratic security governance and outlines key implications for regulation, oversight, professional education, and future police science research.

Keywords: plural policing, police science, public trust, security governance, Indonesia

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INTRODUCTION

Over the last two decades, global and national security landscapes have undergone profound change. The modern state, as formulated by Weber, is defined inter alia by its capacity to monopolise the legitimate use of physical force within a given territory (Weber, 1978). In contemporary practice, however, policing functions are no longer carried out exclusively by a single state police organisation, but by a range of actors who jointly produce security. This condition is widely described in the literature as plural policing (Loader, 2000; Jones & Newburn, 2006).

Globally, debates about policing have been shaped by repeated controversies over excessive use of force, racially biased practices, and declining public confidence in police institutions. Comparative studies in North America and Europe document how incidents such as deaths in police custody, large-scale protests, and corruption scandals have triggered successive waves of reform—from the adoption of community and problem-oriented policing to experiments with civilian oversight and independent complaints mechanisms (Bayley, 1994; Reiner, 2010; Walker & Archbold, 2014). At the same time, the growth of private security, transnational policing arrangements, and digital surveillance has produced what Brodeur (2010) calls a “policing web”, in which public police are only one node in a much more complex network of security

provision. These developments provide an important comparative backdrop for understanding plural policing in Indonesia.

In Indonesia, plural policing is reflected in a particularly diverse configuration of security actors. Law of the Republic of Indonesia Number 2 of 2002 affirms that the Indonesian National Police (Polri) is a state apparatus mandated to maintain public security and order, enforce the law, and provide protection, guidance, and services to the community. At the same time, the legal framework recognises the existence of special police, civil servant investigators (PPNS), and community-based security units as holders of policing functions outside Polri. In everyday practice, the security field also involves the armed forces (TNI) in military operations other than war, municipal police (Satpol PP), private security companies, in-house security guards, customary institutions, religious organisations, and civil society groups in maintaining order and resolving conflicts (Gaussyah, 2014; Bahan Ajar Ilmu Kepolisian, n.d.; Panggabean, 2015).

Earlier Indonesian studies have already shown how security provision is shaped by tensions between national and local interests, overlapping mandates, and evolving democratic norms. Analyses of Satpol PP and local government security provision indicate that security sector reform and decentralisation have created ambiguous divisions of labour and contested authority between Polri, local governments, and other actors (Poerba & Wahyurudhanto, 2010; Wahyurudhanto, 2011a, 2011b, 2014). Debates about the role of local government security units, the quality of security services, and the politicisation of security provision provide an important empirical and conceptual backdrop for the present discussion of plural policing. The pluralisation of security actors generates both opportunities and vulnerabilities. On the one hand, the presence of multiple actors allows security services to reach wider areas, operate closer to communities, and respond more sensitively to local contexts. On the other hand, the distribution of policing functions to actors whose regulation, capacity, and accountability mechanisms vary considerably risks producing overlapping mandates, double standards, and human rights violations that are difficult to trace and to hold accountable (UNODC, 2011). In a democratic rule-of-law state, these issues are not merely matters of technical coordination; they go to the heart of the state's claim to a monopoly on legitimate force and the quality of security governance more broadly.

Empirical research in Indonesia indicates that public trust in the police is strongly influenced by perceptions of accountability, performance, and moral alignment with societal values, with accountability emerging as the strongest predictor in recent survey-based studies (Wahyurudhanto, 2022). Related conceptual work on legitimacy, police discretion, and police culture similarly emphasises that everyday exercises of authority and the internal norms that guide them are central to how communities evaluate the police (Tyler, 2006; Tankebe, 2014; Wahyurudhanto & Pratistha, 2025). In short, debates about plural policing cannot be separated from broader questions of democratic legitimacy, public trust, and the moral foundations of security provision in Indonesia. Within this global and national context, Indonesia faces its own distinctive challenges. Rapid urbanisation, persistent inequality, social media-driven mobilisation, and localised communal tensions all place pressure on existing policing arrangements. For Polri, responding to these pressures involves not only improving operational performance, but also strengthening legitimacy through procedural justice and respect for human rights (Tyler, 1990; Bottoms & Tankebe, 2012). The benefits of the present study are therefore twofold. Conceptually, it seeks to enrich police science by bringing insights from plural policing and security governance debates into dialogue with Indonesian experiences. Practically, it aims to inform ongoing reform initiatives within Polri—such as efforts to build a “precision” policing model and enhance transparency—by clarifying the role of the police within a plural security ecosystem.

More specifically, this article pursues three interrelated objectives. First, it maps key conceptual developments in the international literature on plural policing, democratic policing, and the governance of security, and identifies their relevance for police science in Indonesia. Second, it describes and analyses the configuration of security actors in Indonesia, highlighting patterns of overlap, co-operation, and tension between Polri, other state agencies, private security providers, and community-based organisations. Third, it proposes directions for renewing the paradigm of police science so that it can better support democratic security governance, with particular attention to issues of legitimacy, accountability, and public trust in the context of plural policing. In doing so, it builds on the author's previous work on security sector reform, local security provision, and policing in the midst of democratisation, as well as more recent analyses of community and participatory

policing in digital environments (Poerba & Wahyurudhanto, 2010; Wahyurudhanto, 2011a, 2011b, 2014; Wahyurudhanto, Pratistha, & Lindrianasari, 2025).

Methodologically, the article employs a qualitative, conceptual approach in the form of an integrative literature review. The “data” for the study consist of three main sources: international theoretical and empirical works on policing and security governance; Indonesian regulations and policy documents concerning Polri and other security actors; and previous empirical research on police performance, accountability, and public trust, including survey-based work in Jakarta (Wahyurudhanto, 2022) and analyses of multi-agency policing in religious conflict (Panggabean, 2015). These materials are analysed thematically to identify recurring concepts, tensions, and gaps. The problem-solving plan is to synthesise these insights into a conceptual framework that clarifies how Polri can exercise normative leadership and network management functions in a plural policing environment while upholding democratic rule-of-law principles. At the same time, existing debates on plural policing and security governance have largely been developed in Western contexts, where historical trajectories of state formation, welfare provision, and civil–military relations differ in important ways from those of post-authoritarian and post-colonial countries. This creates a distinctive research gap that the present article seeks to address. By bringing Indonesian empirical experiences and conceptual debates into dialogue with global theoretical work, it aims to show how plural policing unfolds in a setting marked by democratic transition, security sector reform, and decentralisation. In doing so, the article argues that Indonesian police science can make a substantive contribution to wider discussions about democratic security governance in the Global South, rather than merely importing models and concepts developed elsewhere.

DISCUSSION

Police Science, Plural Policing, and the Governance of Security

Police science initially developed as a body of practical knowledge related to technical police tasks such as investigation, inquiry, patrol, and protection. As demands for democratisation and the rule of law have intensified, police science has increasingly been positioned as an applied social science that examines the functions, organisation, practices, and governance of policing in its relationship with society and the state (Bahan Ajar Ilmu Kepolisian, n.d.; Greene, 2014). In international literature, the term police science reflects efforts to situate the study of policing within a multidisciplinary, empirical, and comparative research tradition that intersects with criminology, sociology, political science, public policy, and legal studies (CEPOL, 2020).

Historically, the evolution of police science has closely followed changes in dominant policing models. Early professional models emphasised centralised command, rapid response, and crime control, reflecting a bureaucratic and state-centred understanding of policing (Reiner, 2010). Subsequent developments such as problem-oriented policing shifted attention to the systematic analysis of underlying conditions that generate crime and disorder, calling for tailored interventions and inter-agency collaboration (Goldstein, 1979; Braga, 2014). Community policing, in turn, foregrounded partnership with citizens and local institutions as a key strategy for enhancing both legitimacy and effectiveness (Cordner, 2014). These shifts illustrate how police science has gradually moved from a narrow organisational focus to broader concerns with governance, partnership, and problem-solving.

Bayley and Shearing (2001) argue that the new structure of policing is characterised by the rise of non-state providers and the blurring of boundaries between public and private, national and transnational forms of security provision. In their view, the central analytical challenge is to understand how authority, resources, and responsibilities are distributed across different nodes within a security network. Loader and Walker (2007) similarly contend that security should be seen as a public good that must be civilised through democratic regulation and deliberation, rather than left to market forces or state coercion alone. For police science, these arguments imply the need to analyse how public police interact with other security actors, how governance arrangements allocate responsibilities, and how accountability can be ensured across institutional and jurisdictional boundaries. In this sense, plural policing is not merely an empirical description, but a lens that reshapes core questions of police science. Rather than asking only how to reform the police organisation, scholars and practitioners must also ask how security is produced across networks, what roles public police should play within these networks, and how citizens experience and evaluate the conduct of multiple security

providers. The Indonesian case offers an opportunity to test and refine these theoretical propositions by examining how plural policing unfolds in a legal and political context marked by democratic transition, decentralisation, and ongoing debates about the proper boundaries between police, military, and civilian authorities.

From the perspective of democratic policing, the central question is therefore not simply who produces security, but how policing processes take place in accordance with democratic principles, the rule of law, and respect for human rights. Johnston and Shearing (2003) introduce the notion of the governance of security to explain how security is generated through interactions between government, markets, and civil society across diverse institutional configurations. Within this framework, the role of the state shifts from direct provider to a combination of steering, regulation, and oversight in relation to the various actors involved in the production of security. UNODC (2011) emphasises that police accountability in democratic societies emerges from a constellation of internal and external mechanisms involving codes of ethics, hierarchical supervision, independent oversight bodies, courts, media, and public participation. Under plural policing, these accountability principles are normatively relevant not only for the police, but also for non-police security providers.

European experience, for example, illustrates how supranational governance arrangements can reshape national policing fields. The development of common training standards, shared databases, and joint operations through bodies such as Europol and CEPOL is gradually producing a more integrated, though still uneven, landscape of security provision across member states (CEPOL, 2020). At the same time, the growth of cross-border private security industries and multinational technology firms supplying surveillance, data analytics, and predictive policing tools has further complicated questions of accountability and democratic control. These trends underline the importance of treating plural policing not only as a domestic institutional issue, but also as part of broader transformations in regional and global security governance.

The Configuration of Plural Policing and the Fragmentation of Actors in Indonesia

The configuration of plural policing in Indonesia can be mapped along at least three broad axes. First, state security actors include Polri, TNI in its support roles, the public prosecutor's office, the correctional system, and other law-enforcement agencies with sectoral mandates. Second, local government security actors such as municipal police units (Satpol PP) exercise regulatory and enforcement powers in relation to public order, local regulations, and local revenue (Gaussyah, 2014; Poerba & Wahyurudhanto, 2010; Wahyurudhanto, 2011a, 2011b; Bahan Ajar Ilmu Kepolisian, n.d.). Third, non-state formal actors such as private security companies, in-house security units, and corporate risk management departments operate alongside community-based organisations, religious groups, and informal neighbourhood networks, often in close partnership with local government and civil society organisations (Panggabean, 2015).

Closer examination of this configuration reveals several patterned dynamics. In urban commercial and industrial zones, for example, private security and in-house security units frequently serve as the first visible line of security, while Polri units are mobilised mainly for serious incidents or when formal legal action is required. In many residential areas, neighbourhood security posts, informal organisations, and religious groups play significant roles in preventing and resolving minor conflicts. In conflict-prone regions, multi-agency arrangements involving Polri, TNI, local government, and community leaders are regularly deployed to manage demonstrations, land disputes, and inter-group tensions. These empirical patterns underscore the extent to which everyday security in Indonesia is co-produced by a plurality of actors, even though Polri remains the institution most closely associated with formal law enforcement.

At the same time, regulatory and capacity gaps persist. The licensing, training, and oversight of private security providers, for instance, are not yet governed by a comprehensive framework that fully integrates them into national security governance while safeguarding human rights and labour standards. Community-based security initiatives likewise vary in their adherence to legal norms and in their sensitivity to vulnerable groups. Studies of community-led responses to security problems in other jurisdictions warn that, without clear safeguards, such arrangements can reproduce local power imbalances, exclude minorities, or normalise informal coercion (Brogden & Nijhar, 2005; Moore, 2021). Indonesian debates on security sector reform and

the politicisation of security provision similarly highlight how incomplete reforms, overlapping regulations, and elite interests can slow the consolidation of democratic security governance (Wahyurudhanto, 2014; Darmono et al., 2010). These comparative and national insights point to the need for policymakers and scholars to pay close attention to how plural policing arrangements affect equality before the law and access to justice.

From a governance perspective, a key question is how Polri can exercise leadership within this plural landscape without reverting to an overly centralised or monopolistic posture. Consistent with Bayley and Shearing's (2001) analysis, one option is to conceptualise Polri as a meta-regulator that sets standards, coordinates information flows, and ensures accountability across the network of security providers. This would require institutional mechanisms for accrediting and supervising private security, formalising cooperation with community organisations, and clarifying the respective mandates of Polri, TNI, and other state actors. It would also require investment in data systems capable of capturing incidents and performance indicators across different types of security actors—something that is still at an early stage of development in Indonesia.

In practical terms, experimenting with new forms of coordination can already be observed in a number of Indonesian cities. Joint command posts during large public events, integrated crisis centres, and multi-agency task forces on issues such as terrorism, narcotics, or cybercrime illustrate attempts to move beyond simply dividing territorial jurisdiction and toward more problem-focused and information-driven collaboration. However, these initiatives often remain ad hoc or heavily dependent on the personal relationships of local leaders. From the standpoint of police science, documenting and analysing these experiments in greater depth would provide valuable insights into how plural policing arrangements can be institutionalised without undermining legal safeguards or democratic oversight.

The fragmentation of security actors has direct implications for public trust. When citizens' encounters with different security providers are marked by inconsistent service standards and procedures, feelings of uncertainty, arbitrariness, and injustice arise. Wahyurudhanto's (2022) study shows that accountability, performance, and cooperative culture are important predictors of public satisfaction with and trust in the police. Under conditions of plural policing, this trust depends not only on the behaviour of individual officers, but also on the institutional capacity of Polri to embed ethical norms and accountability standards across the wider family of security actors with whom citizens interact.

Renewing the Paradigm of Police Science in Indonesia

The foregoing analysis suggests that police science in Indonesia must be renewed along three main lines. First, it needs to take seriously the pluralisation of security provision and move beyond a narrow conception of policing as the monopoly of a single state agency. Instead, police science should be reoriented toward analysing how authority, resources, and responsibilities are distributed across networks of security actors, and how Polri can provide democratic leadership within these networks while respecting constitutional limits on its mandate (Bayley & Shearing, 2001; Loader & Walker, 2007; Poerba & Wahyurudhanto, 2010; Wahyurudhanto, 2011a, 2011b, 2014). This reconceptualisation preserves the distinctive focus of police science on policing institutions and practices, but situates these within a wider ecosystem of security governance and a broader understanding of the state's responsibility to govern all uses of coercion within its jurisdiction.

Second, a shift is needed from an organisational focus to a governance-oriented perspective that places questions of legitimacy, accountability, and public trust at the centre of analysis. This involves treating citizens not merely as clients or recipients of police services, but as co-producers of security whose perceptions and participation shape the effectiveness and acceptability of policing practices. Studies of legitimacy policing, discretionary decision-making, and police culture in Indonesia demonstrate that reforms focused solely on organisational charts or procedures are unlikely to succeed unless they also transform the everyday exercise of authority in encounters between police and citizens (Tyler, 2006; Tankebe, 2014; Wahyurudhanto & Pratistha, 2025).

Third, the ethical, moral, and human rights dimensions of policing need to be strengthened within a good governance framework, alongside a critical engagement with technology. Contemporary debates on predictive policing, artificial intelligence, and social media-mediated forms of community surveillance underscore both the potential and the risks of technologically mediated policing (McDaniel & Pease, 2021; Narayan, 2023; Wahyurudhanto, Pratistha, & Lindrianasari, 2025). At the same time, work on morality, virtue, and professional ethics in Indonesian public service and policing emphasises the importance of cultivating internalised values and ethical dispositions that can guide officers in complex situations where formal rules provide only limited direction (Wahyurudhanto, 2023). A renewed police science must therefore combine critical scrutiny of new technologies with sustained reflection on the moral foundations of policing, ensuring that innovations in practice remain contestable and consistent with democratic rule-of-law principles.

For police education and training institutions, these shifts imply the need to redesign curricula so that future officers and police managers are equipped not only with operational skills but also with the conceptual tools to navigate complex governance environments. Courses on public administration, human rights law, ethics, data analysis, and community engagement need to be integrated more systematically into basic training, specialist education, and leadership programmes. In addition, closer collaboration between police academies, universities, and research institutes can help to ensure that teaching materials reflect up-to-date empirical findings and expose practitioners to comparative experiences from other jurisdictions. Such efforts would strengthen the capacity of Indonesian police science to function as a reflexive, knowledge-based foundation for democratic policing reforms.

Towards a Conceptual Framework for Democratic Security Governance in Indonesia

Building on the foregoing analysis, this article proposes a conceptual framework for democratic security governance in Indonesia centred on three interlocking pillars. The first pillar is normative. The constitutional commitment to a democratic state based on the rule of law and respect for human rights provides the ultimate benchmark against which all security practices, whether carried out by Polri, other state agencies, private providers, or community groups, must be assessed. This implies that plural policing arrangements cannot be justified solely on grounds of efficiency or expediency; they must also be compatible with principles of legality, accountability, non-discrimination, and proportionality (UNODC, 2011; Walker & Archbold, 2014).

The second pillar is institutional and concerns the role of Polri as a network manager within the broader security ecosystem. In this capacity, Polri is expected to exercise strategic steering rather than direct control over all security activities. Concretely, this involves developing regulatory frameworks for private and community-based security, designing formal partnership mechanisms, and strengthening internal and external oversight bodies that can monitor the conduct of both police and non-police actors (Johnston & Shearing, 2003; Loader & Walker, 2007). It also entails fostering a professional culture that values collaboration, transparency, and reflexive learning rather than a narrow focus on hierarchical authority. Such a role is particularly important in a decentralised polity where local governments and communities have significant influence over how security is organised in practice.

The third pillar is epistemic and relates to the knowledge base required for effective and accountable security governance. A renewed paradigm of police science must be able to generate robust empirical evidence on citizens' experiences of policing and security, the performance of different security providers, and the differential impacts of policing practices across social groups. This calls for investment in interdisciplinary research, improved data collection and analysis capacities within Polri, and stronger linkages between police education institutions, universities, and civil society research centres (CEPOL, 2020; Brodeur, 2010). In this regard, studies of public trust, procedural justice, and perceptions of legitimacy in Indonesia, such as Wahyurudhanto's (2022) work on accountability and cooperative culture, provide important building blocks for a more evidence-informed approach to security governance.

Importantly, the framework also draws attention to the potential tensions and trade-offs between its three pillars. Strengthening legal and human rights safeguards, for example, may initially constrain certain policing tactics or require greater investments in training and oversight. Building more participatory and transparent institutional arrangements can slow down decision-making in the short term, even as it enhances legitimacy

and resilience in the long term. Developing robust knowledge infrastructures may reveal uncomfortable evidence about past abuses or institutional weaknesses. Rather than viewing these tensions as obstacles, a democratic security governance perspective treats them as productive pressures that can drive continuous learning and adaptation within Polri and across the wider security network.

These three pillars can be represented schematically as a triangle in which constitutional–legal principles, institutional arrangements, and knowledge infrastructures mutually reinforce one another. Within this triangle, Polri occupies a central but not exclusive position, acting both as a provider of security and as a guarantor of standards across the plural policing landscape. While the framework offered here is conceptual, it generates a number of concrete research questions and policy implications. For example, how to design accreditation systems for private security, how to measure accountability across different security actors, and how to incorporate plural policing themes into police and postgraduate curricula. Addressing these questions will require sustained collaboration between scholars, practitioners, and policymakers in Indonesia’s police science community.

CONCLUSION

This article has argued that plural policing is a defining feature of the contemporary security landscape in Indonesia. Policing functions are performed by interconnected networks of state and non-state actors, such that the classical concept of the state’s monopoly on legitimate force must be re-interpreted as a monopoly of normative authority and ultimate responsibility rather than a monopoly of day-to-day implementation. Within this configuration, Polri remains the central actor, but operates within a complex and plural security ecosystem. From a scholarly perspective, the discussion developed here underscores the importance of treating Indonesian experiences not as marginal or exceptional, but as sites from which to rethink taken-for-granted assumptions in the wider policing literature. The coexistence of strong central institutions with far-reaching decentralisation, the historical involvement of the military in internal security, and the rapid penetration of digital technologies into everyday life all make Indonesia a particularly rich laboratory for studying how plural policing and democratic security governance interact. Future research could build on this article by conducting comparative studies across provinces, tracing the evolution of specific multi-agency initiatives over time, or examining how citizens in different social positions experience and interpret interactions with diverse security actors.

Plural policing opens up opportunities to extend the reach of security services and to strengthen partnerships with communities. At the same time, it generates risks of fragmented authority, double standards, and human rights violations when not accompanied by robust regulatory and accountability frameworks. Citizens’ experiences in interacting with various security actors—whether state or non-state—shape their perceptions of the state and of Polri. Empirical research in Jakarta underscores that accountability, performance, and moral alignment with societal values are key factors in building public trust in the police (Wahyurudhanto, 2022). In this sense, the legitimacy of Polri depends both on its own conduct and on its ability to shape the broader field of security provision.

Renewing the paradigm of police science in Indonesia is therefore a strategic necessity. The new paradigm calls for a shift from an inward-looking organisational focus to a broader focus on security governance; from viewing Polri as the sole executor of policing to positioning it as a manager of security networks; and for affirming strong ethical, moral, and human rights commitments in the midst of increasingly intensive use of policing technologies. Strengthening the regulatory framework for plural policing, developing oversight mechanisms that encompass non-police security actors, reforming curricula in police and graduate education, and expanding empirical research agendas in police science are crucial prerequisites if Polri and the wider family of security actors are to perform policing functions in ways that are legitimate, accountable, and consistent with democratic rule-of-law principles.

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Juridical Analysis of Default Disputes in Online Loan Agreements under the Indonesian Civil Code

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Abstract

The development of electronic transactions has created ambiguity in the mechanisms for resolving disputes arising from breaches of contract (*wanprestasi*) in online lending agreements. This study aims to analyse the juridical basis for resolving breach of contract disputes based on the Civil Code (KUHPerdata). The method used is normative juridical, with a statutory and literature approach. The results of the study indicate that online agreements remain valid under Article 1320 of the Civil Code and possess binding legal force; therefore, breaches of contract can be legally enforced. However, the digital nature of online lending agreements presents its own challenges, particularly in terms of dispute resolution mechanisms. The novelty of this research lies in analysing the relationship between the characteristics of electronic agreements and the models of dispute resolution for breach of contract. This study contributes by providing a more specific juridical framework as a basis for the development of practices and policies in resolving disputes arising from online agreements.

Keywords: resolution, breach of contract, agreement, online lending, Civil Code

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INTRODUCTION

The development of technology in the modern era has progressed rapidly, making everything easily accessible, placing nearly all activities within one's grasp. With the advancement of information technology, human activities have become increasingly diverse, including in the field of agreements. Agreements that were previously limited to written forms and conducted face-to-face have now evolved into electronic agreements or electronic contracts, particularly in business. Initially, payment transactions were carried out in person using cash; however, today, transactions can be completed anywhere within seconds. One form of Financial Technology (FinTech) is online-based lending.

Online lending is a service that facilitates borrowing funds through digital platforms. This is closely related to Online Lending Services. Regulation of the Financial Services Authority (POJK) Number 77/POJK.01/2016 governs online lending. These services operate through online platforms that establish loan agreements in Indonesian Rupiah between borrowers and lenders, as stated in Chapter I, Paragraph (3) of the Financial Service Guidelines (PLK). As technology continues to develop rapidly, online lending services in Indonesia have become highly popular. Financial assistance provided by financial sector institutions through online platforms is commonly known as "Pinjol." By simply downloading an application from the App Store or Play Store, obtaining an online loan has become very easy. Compared to banks, savings and loan

cooperatives, and other lending institutions, people increasingly prefer using online lending applications. In the past, applying for a loan was a time-consuming process with many complex requirements before the emergence of online-based lending. Generally, people who urgently need funds and lack access to banking services can obtain them through online loans. These services simplify the borrowing process as everything is conducted online. The increasing demand for financial services, along with technological advancements and public demand for easier access to financial or credit services, has driven the growth of this sector. Online lending has made the process simpler, faster, and more efficient. Loan applications are as easy as filling out an online form and uploading several documents. In some cases, only a phone number and an identification image are sufficient to obtain a loan.

On the other hand, this convenience also brings negative impacts for certain individuals. Issues arise from practices such as improper and dishonest debt collection, including the use of threats, intimidation, and even extortion. Intimidating and threatening debt collection practices constitute serious violations of law and business ethics. Fair law enforcement must prioritize consumer protection without compromising privacy rights. Online loans often carry very high interest rates and are difficult to repay, as interest is typically calculated per instalment. Therefore, the public must exercise caution and thoroughly understand the terms and conditions before using any online lending service. Many people are also unaware of the risks associated with online borrowing activities, which can lead to various problems, including breach of contract (*wanprestasi*). Breach of contract (*wanprestasi*) is a condition in which a debtor fails to fulfil their contractual obligations as agreed. According to Article 1238 of the Civil Code (KUHPerdata), failure to fulfil obligations grants the injured party the right to claim compensation for the losses incurred. Such compensation represents restitution provided by the party at fault to the injured party due to unlawful conduct. Each form of breach of contract carries its own legal consequences, including compensation, contract cancellation, and legal execution against the debtor's assets. Therefore, understanding the meaning, forms, and juridical consequences of breach of contract is crucial, not only for legal practitioners but also for the general public involved in civil legal relationships.

The main issue discussed in this study lies in analysing the juridical basis for resolving disputes arising from breach of contract in online lending agreements under the Civil Code. Normatively, online lending agreements still meet the validity requirements set out in Article 1320 of the Civil Code and have binding force under Article 1338 of the Civil Code; thus, breaches can be legally enforced. However, the digital nature of online lending agreements presents unique challenges, particularly in terms of dispute resolution. Therefore, further analysis is needed to examine the relationship between the characteristics of electronic agreements and mechanisms for resolving breach of contract disputes. This study aims to analyse the juridical foundations of dispute resolution for breach of contract in online lending agreements. Accordingly, it offers a state-of-the-art contribution by examining the relationship between the characteristics of electronic agreements and models of dispute resolution for breach of contract.

The research method employed is normative legal research using a statutory approach and a conceptual approach. Data sources include primary legal materials, namely the Civil Code (KUHPerdata) and regulations related to electronic transactions; secondary legal materials such as literature, journals, and previous research; and tertiary legal materials such as legal dictionaries and encyclopedias. Data analysis is conducted descriptively and qualitatively by outlining and interpreting legal provisions concerning the resolution of breach of contract disputes in online lending agreements. Through this approach, the study is expected to provide an in-depth juridical understanding of the relevance of the Civil Code in regulating online agreements, as well as to offer new perspectives on resolving breach of contract disputes in the digital era.

DISCUSSION

Legal Analysis of Default Disputes in Online Loan Agreements Based on the Civil Code

Fintech lending, or online lending, is one of the innovations in the financial sector that utilizes technology to enable lenders and borrowers to conduct loan transactions without meeting in person. Online lending is a facility for borrowing money provided by financial service providers integrated with information technology, where the entire process—from application and approval to fund disbursement—is carried out online or through SMS and/or telephone confirmation. Online lending binds the parties through electronic-based

agreements, similar to conventional agreements, where the validity requirements still refer to Article 1320 of the Civil Code (KUHPperdata), which include consent, legal capacity, a specific object, and a lawful cause.

Online lending agreements are often accompanied by additional fees and a lack of transparency from credit providers, causing consumers to not fully understand the commitments they undertake. In addition, assessments of consumers' repayment capacity are often inadequate before credit is granted, leading to high default rates. This indicates that many consumers do not fully understand the legal requirements and risks associated with online lending. On the other hand, the public is also generally unaware of the business risks involved in borrowing and lending activities via the internet. As a result, payment defaults frequently occur in online lending agreements. When payment delays occur, the initial action taken by the provider is the collection process. Providers often carry out collection efforts directly through internal mechanisms, such as notifications via SMS, email, or telephone calls (Muhammadiyah and Barat 2025). If the debtor still fails to fulfil their obligations, collection actions may continue by visiting the debtor's residence or contacting other parties listed in the debtor's contact data. These collection practices often raise issues, particularly regarding personal data protection and potential violations of ethical collection practices.

If the debtor continues to ignore these efforts, the provider may proceed with dispute resolution mechanisms for breach of contract through litigation or non-litigation methods, such as arbitration, either in court or outside the court. Litigation is pursued when out-of-court dispute resolution fails to reach an agreement. However, the public generally prefers dispute resolution through arbitration. Arbitration begins with an agreement between the parties, usually in the form of an arbitration clause in the contract, as regulated under Law Number 30 of 1999 on Alternative Dispute Resolution. This agreement forms the basis of arbitration authority and reflects the principle of freedom of contract. The aggrieved party then submits a claim to an arbitration institution or appointed arbitrator, followed by notification to the opposing party to respond. The parties appoint neutral and independent arbitrators and agree on the schedule and procedures for examination. After the process is completed, the arbitrators deliberate and issue a final and binding decision, which cannot be appealed or challenged through cassation. If the decision is not voluntarily executed, the winning party may request enforcement through the district court (DPR 2021).

Mechanisms for resolving breach of contract disputes through litigation and non-litigation channels can be carried out in accordance with classical civil law dynamics. However, online lending agreements have distinct characteristics that create gaps in dispute resolution. The development of online lending as part of financial technology (fintech lending) has transformed civil legal relationships, but this transformation has not been fully accommodated by the normative framework of the Civil Code (KUHPperdata). Theoretically, the Civil Code is based on the principles of freedom of contract and equality of the parties, as articulated by scholars such as Subekti and Sutan Remy Sjahdeini, which positions parties as equal in determining the contents of an agreement. In practice, however, online lending agreements take the form of standard electronic contracts drafted unilaterally by providers, creating an imbalance between creditors and debtors. Recent studies show that electronic contracts in fintech not only raise issues of validity but also concerns related to consumer protection and dispute resolution in cases of breach of contract (Triasih, Muryati, and Nuswanto 2021). Furthermore, the rapid development of fintech has introduced various legal issues, such as high interest rates, misuse of personal data, and unethical collection practices, highlighting that the assumption of equality in the Civil Code is no longer fully relevant in the digital context (Putera 2026).

On the other hand, gaps are also evident in dispute resolution mechanisms and the effectiveness of law enforcement. Doctrinally, breach of contract disputes under the Civil Code are resolved through litigation. However, in practice, this mechanism is often ineffective in online lending due to the fast, massive, and relatively low-value nature of transactions. Recent studies indicate that fintech lending disputes are more frequently resolved through non-litigation mechanisms such as mediation or internal platform resolution, although their effectiveness remains limited. Additionally, the digital nature of transactions, which rely on electronic systems, presents new challenges in evidentiary processes and enforcement of obligations, particularly in cases where electronic data serves as the primary form of evidence. These conditions demonstrate a fundamental gap between the classical civil law framework and the dynamics of digital transactions, thereby requiring a more adaptive and integrative legal approach to ensure legal certainty and protection for all parties involved in online lending disputes.

Along with technological advancements, Alternative Dispute Resolution (ADR) methods are increasingly utilized, particularly in the fintech sector. In many developed countries, the concept of Online Dispute Resolution (ODR) has emerged, offering faster, more efficient processes that align with the characteristics of digital transactions. Therefore, the development of technology-based dispute resolution mechanisms has become an urgent necessity to provide balanced legal protection for creditors, debtors, and online lending providers.

Legal Consequences and Challenges of Legal Protection in Breach of Contract Disputes

The legal consequences of breach of contract (*wanprestasi*) in online lending agreements may take the form of compensation as regulated in the Civil Code (KUHPperdata), particularly Article 1246, which includes costs, losses, and interest. Furthermore, the legal consequences for a party proven to have committed a breach are stipulated in Article 1243 of the Civil Code, which states that compensation for costs, losses, and interest becomes obligatory if the debtor, despite having been declared in default, still fails to fulfil their obligations or fulfils them beyond the agreed time limit. In addition to compensation, the injured party also has the right to seek cancellation of the agreement as regulated in Article 1266 of the Civil Code. Moreover, another possible consequence is the transfer of risk to the debtor, which may be realized in the form of interest payments or late penalties if previously agreed upon. In cases where the agreement is secured by collateral, breach of contract may also result in seizure or execution of the collateral in accordance with applicable regulations (Anon 1848)

In principle, each party to an agreement should draft the contract carefully and in detail to prevent breach of contract. However, if a violation still occurs, understanding the procedures will help the injured party take appropriate and effective legal action. The procedure for handling breach of contract serves as an important mechanism in enforcing civil justice through structured stages. A party committing breach of contract may be subject to legal sanctions, including compensation, contract cancellation, transfer of risk, or forced performance of obligations. Additionally, a party that fails to fulfil its obligations may be placed on a blacklist, which can result in difficulties in accessing financial services in the future (Udayana, Klod, and Denpasar 2025). Breach of contract itself consists of several forms, namely delayed performance, improper performance, performance not in accordance with the agreement, or complete failure to perform (Marpaung, Lawolo, and Siregar 2022).

From the perspective of legal protection, civil law should ideally provide both repressive and preventive protection effectively. However, in the practice of online lending, these functions have not been optimally implemented. Mechanisms for filing breach of contract claims often fail to provide meaningful recovery due to costs and time that are disproportionate to the value of the dispute, while preventive protection through agreements is weakened by the use of standard contracts drafted unilaterally. This condition indicates that the framework of the Civil Code has not yet fully accommodated the characteristics of unequal digital legal relationships. Although Law Number 11 of 2008 on Electronic Information and Transactions recognizes the validity of electronic evidence, in practice, there are still limitations in law enforcement officers' understanding as well as technical difficulties in assessing the validity of digital evidence (Laughton et al. 1972). On the other hand, weak law enforcement and challenges in electronic evidence further widen the gap between legal norms and practice. The proliferation of illegal online lending and unlawful collection practices reflects that regulations have not been effectively implemented (Triasih et al. 2021). Coupled with limited access to justice and low levels of legal literacy among the public, the position of debtors becomes increasingly vulnerable. Thus, this issue is not only normative but also structural, requiring legal reforms that are more adaptive to digital dynamics.

Therefore, it can be concluded that the ineffectiveness of legal protection in online lending is not solely caused by regulatory weaknesses, but is more influenced by weak law enforcement, evidentiary challenges, and limited access to legal remedies. Accordingly, a more comprehensive approach is needed, not only through regulatory reform but also through strengthening law enforcement, enhancing institutional capacity, and developing dispute resolution mechanisms that are more adaptive to the characteristics of digital transactions, such as Online Dispute Resolution (ODR). A further juridical issue that deserves closer attention is the legal status of consent in online lending transactions. In conventional agreements, consent is usually evidenced by a wet signature and direct acknowledgment of the contractual clauses. In online lending, by contrast, consent

is represented through digital actions such as clicking an approval button, checking an agreement box, or submitting personal data through the platform. From the perspective of contract law, these actions may still satisfy the requirement of consent under Article 1320 of the Civil Code as long as the parties clearly understand the substance of the agreement and voluntarily bind themselves to it. The legal problem arises when the platform uses lengthy standard clauses, inaccessible interfaces, or fragmented disclosure practices that prevent borrowers from understanding the legal consequences of their approval. In such situations, the formal existence of consent does not automatically guarantee substantive fairness. This means that a court or other dispute resolution forum should not stop its examination at the fact that the borrower clicked “agree,” but should also assess whether the agreement process fulfilled the principles of transparency, balance, and good faith. In the context of online lending, therefore, the juridical evaluation of default disputes should involve not only the debtor’s non-performance, but also the procedural fairness of the digital contracting process that produced the obligation in the first place.

The classification of default in online lending agreements also requires a more precise analytical framework. In civil law doctrine, default may take the form of non-performance, late performance, defective performance, or conduct contrary to the agreed undertaking. These classical categories remain relevant in digital lending, yet their application becomes more complex when the transaction is automated and platform-based. A debtor may default by failing to pay on time, by paying in an incomplete amount, or by using false data during the application process, while the lender or platform may also commit a juridical fault when it imposes unlawful collection methods, conceals fees, or unilaterally changes material terms. This reciprocal possibility is important because online lending disputes are often narrated as if only the borrower can breach the contract. In fact, a fair legal analysis must recognize that breach may occur on both sides of the digital relationship. Once this perspective is adopted, dispute resolution becomes more balanced and better aligned with the principle of equality before the law. It also helps distinguish purely civil disputes from situations that may involve consumer protection violations, unlawful acts, or administrative non-compliance by platform operators. As a result, the legal construction of online lending disputes should move beyond a narrow debtor-centered approach and instead examine the entire contractual ecosystem in which digital credit is created, performed, and enforced.

Another important dimension concerns the evidentiary regime in default disputes arising from online agreements. In litigation based on conventional contracts, written documents, signatures, receipts, and witnesses are typically used to establish the existence of the obligation and the occurrence of breach. In online lending, however, essential proof is embedded in electronic records such as application logs, digital account registrations, electronic communications, payment histories, screenshots, and automated notifications. This creates practical challenges regarding authenticity, accessibility, and evidentiary continuity. A borrower may claim that consent was not given properly, while the provider may rely on platform-generated records that are difficult for ordinary consumers to independently verify. Consequently, the effectiveness of dispute resolution depends not only on the Civil Code provisions governing default, but also on the ability of legal institutions to recognize, assess, and test electronic evidence in a fair manner. In doctrinal terms, the existence of electronic evidence should strengthen the enforceability of online agreements, yet in practice it may also deepen asymmetry because the platform usually controls the relevant data. For that reason, judges, arbitrators, and mediators handling online lending disputes should pay particular attention to the reliability of the digital trail, the clarity of proof of notification, and the proportionality of the platform’s claims. Without such scrutiny, the evidentiary structure of digital lending may privilege the stronger party and reduce the protective function of civil law.

From the standpoint of legal protection, the problem of default in online lending cannot be resolved solely through post-dispute sanctions. Preventive protection is equally important because many disputes arise from structurally weak contracting practices. Borrowers frequently face standard-form agreements drafted entirely by the provider, limited opportunities to negotiate terms, and inadequate explanations of interest calculations, penalties, or data processing mechanisms. When these elements are unclear, the risk of later default increases because the debtor may not fully comprehend the scope of the obligation assumed. Therefore, the juridical response should include a stronger emphasis on pre-contractual disclosure, plain-language contract design, and accessible complaint mechanisms before the dispute escalates into litigation. This is consistent with the broader function of civil law as an instrument not only for settling disputes after harm occurs, but also for guiding parties toward lawful and balanced contractual conduct. In the online lending sector, that preventive

function becomes especially important because the transaction is fast, remote, and often entered into by financially vulnerable users. A more effective legal framework should thus connect the rules on default with consumer-oriented safeguards that reduce the probability of breach from the outset. In this sense, the proper resolution of default disputes is inseparable from the prior quality of legal protection embedded in the digital lending relationship.

These considerations lead to a broader policy implication. The Civil Code continues to provide the foundational framework for determining the validity of agreements, the existence of default, and the legal consequences of non-performance. Nevertheless, its application to online lending disputes requires interpretive adaptation so that classical contract principles remain responsive to digital realities. The future development of legal practice should therefore encourage a more integrated approach that combines contract law, consumer protection, electronic evidence standards, and sectoral supervision in one coherent dispute-resolution model. Such an approach would not replace the Civil Code, but would operationalize it more effectively within the context of contemporary financial technology. For courts and dispute settlement institutions, this means assessing not only whether the debtor failed to pay, but also whether the agreement was transparently formed, whether the evidence is digitally reliable, and whether the collection process remained within lawful limits. For regulators and service providers, it means designing contractual and procedural mechanisms that reduce ambiguity and support legal certainty.

A more adaptive juridical framework of this kind would strengthen the enforceability of lawful online agreements while at the same time improving fairness and protection for all parties involved in digital lending transactions. In practical terms, this study also indicates that legal certainty in online lending depends on the synchronization of substantive contract rules with digitally responsive enforcement mechanisms. The clearer the agreement structure, notice procedure, and evidentiary record, the easier it is to determine whether a true default has occurred and what form of remedy is legally justified.

CONCLUSION

The resolution of breach of contract disputes in online lending agreements, in accordance with the classical Civil Code (KUHPperdata), can generally be carried out through litigation or non-litigation mechanisms. However, due to the specific characteristics of online lending agreements, fintech lending disputes are more commonly resolved through non-litigation methods such as mediation or internal platform settlement. From a juridical perspective, a party committing a breach of contract may be subject to legal consequences in the form of compensation, cancellation of the agreement, transfer of risk, and forced performance of obligations in accordance with civil law provisions. Additionally, there are administrative implications, namely the potential inclusion in a blacklist, which may limit access to financial services in the future. However, the implementation of these provisions has not been fully effective in practice due to inconsistencies with the nature of digital transactions, influenced by various obstacles such as weak law enforcement, difficulties in electronic evidence, limited access to legal remedies, and low levels of public legal literacy.

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Human Trafficking within Southeast Asia's Online Gambling Industry: International Resilience and Policing Challenges

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Abstract

Human trafficking has become a major concern for the Indonesian government, especially over the last five years, due to the increasing number of cases involving Indonesian citizens. Current trafficking patterns differ from earlier forms because they are increasingly shaped by digital recruitment, ASEAN mobility, and the use of online gambling and online scam operations as a cover for exploitation. This study examines the factors behind the growing number of trafficking cases, the relationship between online gambling and human trafficking targeting Indonesian citizens in Southeast Asia, and the law enforcement challenges faced in addressing this crime within the framework of ASEAN cooperation. This research applies a qualitative case study approach. Data were collected through structured interviews with informants who have direct knowledge of cross-border mobility and victim handling, including police attachés and Indonesian diplomats in Thailand, Malaysia, and the Philippines. These data were supported by field observations at major mobility hubs, particularly international airports, and by secondary data from the Indonesian National Police, the Ministry of Foreign Affairs, and the Ministry for the Protection of Indonesian Migrant Workers. The findings show that domestic economic pressures make young people vulnerable to deceptive job offers promising high salaries. At the same time, trafficking syndicates exploit regulatory gaps and weak oversight in several countries. In law enforcement, eradication efforts remain constrained by the uneven commitment of ASEAN member states to fully implement the principles of ACTIP. As a result, bilateral cooperation is often considered more effective than regional mechanisms in repatriating victims. This study contributes to understanding recruitment patterns and trafficking networks and provides a basis for strengthening national and regional policy responses.

Keywords: ASEAN cooperation, digital exploitation, human trafficking, international resilience, online gambling, policing challenges.

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INTRODUCTION

Human trafficking is a new issue that has attracted the attention of ASEAN regional leaders. In the past five years, particularly between 2019 and 2025, Southeast Asia has attracted international attention as a key hotspot for human trafficking practices. In 2023, the International Criminal Police Organization (INTERPOL) specifically identified human trafficking practices directly linked to online fraud. INTERPOL's findings also confirmed the existence of transnational crime centered in Cambodia and then spreading to Laos and Myanmar. This situation has made Southeast Asia a hub for these criminal activities (INTERPOL, 2023). Previously, the United Nations also issued a report in 2019 showing patterns and forms of exploitation related to human trafficking around the world, including sexual exploitation, forced labor, begging, and other forms (UNODC, 2019).

Furthermore, the increasing phenomenon of human trafficking, particularly after the COVID-19 pandemic in Southeast Asia, is linked to one country after another. This is confirmed by reports from several regions in Indonesia concerning alleged human trafficking crimes using the modus operandi of job offers in sectors related to the digital economy. However, in reality, victims are directed to become part of online fraud perpetrators. Moreover, those who have fallen into the trap of syndicates operating in Cambodia will be exploited if they are unable to meet targets. This condition then becomes the reason for governments in the ASEAN region to classify cases as human trafficking. As a form of preventative action, law enforcement officials and Indonesian government representatives in the Southeast Asia region strive to be selective and careful in categorizing who meets the criteria as a victim of human trafficking and who falls into the category of perpetrator. This step is taken based on experience in handling previous cases (Indonesian Ministry of Foreign Affairs, 2025).

Based on data held by the Ministry of Foreign Affairs of the Republic of Indonesia (Table 1), especially over four years, the Indonesian government has actively advocated and attempted to rescue Indonesian citizens caught in the clutches of transnational crime syndicates. Data from the Ministry of Foreign Affairs shows that between 2020 and 2024, there were online scam practices involving Indonesian citizens in countries such as Cambodia, 4,300 people, the Philippines, 770 people, Laos 690 people, Thailand 464 people, Myanmar 429 people, Malaysia 72 people, Vietnam 46 people, South Africa 7 people, and the United Arab Emirates 4 people. Of the total of 6,782 people sourced from Indonesian representatives in these countries, 1,348 were confirmed to be directly related to the practice of Human Trafficking (Indonesian Ministry of Foreign Affairs, 2025). The above issues then became a consideration for the Indonesian government to actively bring the issue of human trafficking in the context of Southeast Asia to be a priority issue for ASEAN leaders, namely at the 2023 summit. The Indonesian government hopes that with the attention of ASEAN leaders, efforts to eradicate human trafficking from upstream to downstream can be carried out systematically and organized by involving all stakeholders in ASEAN.

Table 1. Number of Online Scam Cases Handled by Indonesian Representatives Abroad

No	Country	Number of Cases
1	Cambodia	4,300
2	Philippines	770
3	Laos	690
4	Thailand	464
5	Myanmar	429
6	Malaysia	72
7	Vietnam	46
8	South Africa	7
9	United Arab Emirates	4
Total		6,782

Source: Indonesian Ministry of Foreign Affairs (2025), Author's elaboration.

Furthermore, regarding the profile of human trafficking victims in Indonesia, they come from remote areas of Indonesia, which statistically show high rates of open poverty, such as East Nusa Tenggara, West Java, and East Java (Tribrata News, 2024). In terms of education, human trafficking victims have diverse educational backgrounds, with some having bachelor's and master's degrees, falling victim to these trans-regional syndicates. The perpetrators typically offer jobs in Middle Eastern countries like the United Arab Emirates, but in reality, they are taken to Cambodia or Myanmar (Indonesian Ministry of Foreign Affairs, 2025). As for the methods used by the perpetrators to recruit victims, as found by the Indonesian Police, the perpetrators also offer free travel, no work permits, and no competency requirements; all expenses are covered by the sending party. This situation influences the victims and allows the perpetrators to exert control over their victims (Indonesian National Police Media Hub, 2026).

In an effort to enforce the law on human trafficking cases, the Indonesian government has intensified its efforts to arrest perpetrators suspected of being part of human trafficking syndicates in several regions across Indonesia. The Indonesian government also established a Task Force for the Prevention and Handling of Human Trafficking Crimes under the coordination of the Coordinating Ministry for Political and Security Affairs, consisting of the Coordinating Minister for Human Development and Culture and the Chief of the Indonesian National Police as its daily chair. Through Presidential Regulation Number 49 of 2023, the Indonesian government aims to ensure that the handling of human trafficking cases is national and integrated (Presidential Regulation of the Republic of Indonesia, 2023). In its implementation, the government's efforts to prevent the departure of potential victims have been effective. However, a challenge arises when Indonesian victims are already in foreign countries, such as Cambodia or Myanmar. Law enforcement agencies require further coordination between law enforcement agencies, including the Ministry of Foreign Affairs, due to the needs and policies of each ASEAN country.

The characteristics of human trafficking in the ASEAN region indicate a combination of online gambling, online fraud, and human trafficking. The perpetrators have networks connecting the ASEAN region and beyond. They utilize encrypted communication platforms such as Telegram, WhatsApp, and TikTok to recruit victims and coordinate with their networks in China. Their presence in special zones further highlights the potential for the circulation of criminal proceeds undetected by security authorities (International Crisis Group, 2023; Darmosumarto, 2025). This situation emphasizes the significant impact of transnational crime, which transcends geographical boundaries, on the resilience of the ASEAN region. Recently, the Indonesian government has strived to strengthen its resilience in the face of the surge in cases through several regulations, including Presidential Regulation No. 130/2024 and Ministerial Regulation No. 2/2024 for Women's Empowerment and Child Protection, as the basis for preventing human trafficking. However, on the ground, there are challenges in law enforcement. Law enforcers, especially prosecutors and judges, must deal with a wide variety of cases and, at the same time, are expected to interpret the spirit of government regulations. On the one hand, police officers expect perpetrators to receive the maximum penalty under articles related to human trafficking, but based on the facts of the trial, judges have chosen to use articles related to other crimes, such as fraud. (IOM UN Migration 2025).

Legal instruments are considered incapable of breaking the chain of human trafficking syndicates that connect one country to another due to their closed organizational structure and the disconnect between the networks. This disconnected network is an obstacle for law enforcement officials to eradicate the perpetrators to the root (IOM, 2023). In addition, at the regional level, each country has legal sovereignty that cannot be intervened in by other countries; every legal effort requires more specific cooperation when it comes to criminal acts, which, in practice, countries use mutual legal assistance schemes to resolve legal issues bilaterally. ASEAN adheres to a system of non-intervention for each member country, so that in matters of victim repatriation, fulfillment of victims' rights, and coordination for prosecution, a consultation mechanism between countries is required, a scheme that limits the room for law enforcement to eradicate the perpetrators quickly but is hampered by regulations at the regional level. (IOM, 2023). Despite regulatory barriers within the ASEAN region, the Indonesian government is utilizing all available options to ensure effective law enforcement in human trafficking. The existence of a National Task Force responsible for coordinating efforts to eradicate human trafficking has yielded results. This is evident in the downward trend in cases in the regions. In February 2025, the Indonesian government successfully repatriated 6,800 Indonesian citizens suspected of being victims of human trafficking. Through bilateral cooperation with the assistance of the Thai government, 6,800 Indonesian citizens were repatriated (Pusiknas Polri, 2025; Nurcahyo, 2024). Meanwhile, at the national

level, the Indonesian National Police (Polri) is maximizing the presence of its newly formed directorate, the Directorate for the Protection of Women and Children and the Eradication of Criminal Acts of Human Trafficking, to monitor cases in Indonesia and establish similar directorates at the regional level. The organizational approach implemented by the police is a signal that is able to reduce the trend of human trafficking cases (Polri, 2026).

The rise in human trafficking cases has opened a new chapter in the transformation of crime, with online gambling becoming a cover for the activities of human traffickers. When traffickers obtain operational permits in the countries where they operate, online gambling appears to be a cover for more serious crimes. Trafficker syndicates exploit loopholes in operational permits to commit organized crime (International Crisis Group, 2023). At the same time, violations of the principles of human rights protection have occurred (Brysk 2009). In the modern context, human security is a fundamental element on the national agenda, with every country having development targets that culminate in the protection of citizens wherever they are. Therefore, the existence of perpetrators who exploit economically disadvantaged groups who are powerless due to their lack of options provides the basis for asserting that human trafficking syndicates intend to target groups they deem vulnerable and easily controlled. Thus, offers of high-paying jobs without requiring academic qualifications or professional skills are seen as attempts to ensnare victims in the human trafficking chain (Yousaf 2018).

The increasing trend of human trafficking cases in Indonesia and the Southeast Asian region that are connected or integrated with daring fraud with cross-border networks is a topic that deserves attention to be explored in security studies, resilience studies, as well as criminology and police studies, considering that such cases are multidisciplinary. Human trafficking is no longer seen as an ordinary act but also touches the dimensions of the ASEAN regional structure that has a common umbrella to create stability in the region and protect the ASEAN community, countries are required to play an active role in overcoming human trafficking because it has a cross-border dimension, exploiting regional instability, and manipulating the digital economy for organized crime that directly damages the reputation of the ASEAN region that is seen as a crime when interacting with transnational acts. (Srikanth 2014).

Based on the problem description above, this study seeks to analyze how victims fall into the trap of human trafficking syndicates in Southeast Asia, especially Indonesian citizens. It investigates the factors influencing their choice to leave Indonesia for countries perceived as offering decent jobs with high salaries. This research is important because previous studies have mostly explored earlier events that are not yet connected to the current digital economy. On the one hand, victims need work and a decent life, while on the other hand, human trafficking networks disseminate job offers massively through social media with promising offers and without burdensome conditions. This portrait shows how perpetrators exploit regulatory loopholes, creating a broad impact on countries in the Southeast Asian region because they include aspects of legal sovereignty, established jurisdictions, and the lack of legal harmonization among ASEAN member states. The principle of non-intervention in the ASEAN region, which differs from the European Union, which has provisions that provide access to law enforcement across borders, is a loophole exploited by perpetrators. This study contributes to a comprehensive understanding of how transnational crimes in the form of human trafficking exploit economic vulnerabilities, weaknesses in the digital economy, and regional instability to ensnare victims in the systematic crime of online gambling and online fraud.

Research Method

This research is a qualitative case study (Miles et al., 2014), which attempts to comprehensively uncover the phenomenon of human trafficking practices related to online fraud. Case studies were chosen to delve deeper into the phenomena behind the high number of cases and the connected networks. As Cresswell (2009) explains, Case studies are a strategy of inquiry in which the researcher explores in depth a program, event, activity, process, or one or more individuals. Cases are bound by time and activity, and researchers collect detailed information using a variety of data collection procedures over a sustained period of time. To draw comprehensive conclusions regarding the case under study, researchers conducted in-depth interviews with five sources, including members of the Indonesian Police task force on human trafficking under the Criminal Investigation Agency (Bareskrim), Indonesian Police Attachés in Thailand, Malaysia, and the Philippines, as well as diplomats in those countries. Furthermore, researchers conducted observations at departure points such

as Soekarno-Hatta International Airport, Bangkok Airport, Manila Airport, and Kuala Lumpur Airport, which are frequently used as transit routes. The observations lasted for two hours to obtain a comprehensive picture of each country's policies regarding granting entry to foreign nationals at airport crossings. The study was conducted over five months, from September 2024 to January 2025. After data collection, researchers condensed the data, displayed it, and drew conclusions or verification (Miles et al., 2014). Fieldwork involved interviews with informants who possess direct knowledge and expertise concerning human trafficking dynamics in Indonesia and its linkages to broader ASEAN migration patterns. All interviews were conducted at Indonesian diplomatic premises, and informed consent was secured from participants through explicit permission to record the discussions and a clear explanation of the study's objectives.

This research is expected to provide a theoretical contribution to the discourse on human security and transnational crime, which has undergone significant transformations, particularly in the last five years. Human security is a topic that deserves attention because it overlaps with the global agenda of the Sustainable Development Goals (SDGs), which calls for ending inequality and realizing peace, justice, and strong institutions.

Theoretical Framework

Human Trafficking, Human Security, and Non-Traditional Threat

Human trafficking represents one of the most complex and concealed forms of human exploitation, involving transnational organised crime networks and operating beyond the geographical and legal boundaries of jurisdiction. The most comprehensive and widely accepted definition derives from the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), adopted in 2000. This document defines trafficking in persons as 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation' (Chamie, 2015). According to reports by the United Nations Office on Drugs and Crime (UNODC), the forms of exploitation encompassed within this definition include sexual exploitation, forced labour, slavery, illegal organ removal, and forced marriage. Human security has been a topic of debate among scholars focused on international law, human rights, and international relations. Each argues that human security is part of a historical transformation marked by the mainstreaming of basic human rights in international affairs. This shift in focus has shifted from state security to human security. This perspective, of course, is not a unified one, as there are differing perspectives between East and West (Acharya, 2001).

It must be acknowledged that human security emerged amidst changes in the post-Cold War world political landscape, marked by the spread of universal values within the global order. Globalization spread rapidly, simultaneously influencing the world community's perspective on security issues. Initially, the state was considered the primary element in protecting human security. It had an obligation to protect every entity within its borders, and therefore, state instruments were directed to support the decision to protect humans. This decision, also driven by the United Nations, had a widespread influence and sparked thinkers, such as constructivists, who sought to explore it from a more academic perspective (Tsai, 2009). Newman (2010) argues that human security is closely related to the direct shift in the context of threats, from external threats caused by the state to changing dimensions of threats that lead to the presence of non-traditional threats that appear to be becoming dominant in various countries around the world. Newman argues that the concept of human security and non-traditional threats is considered a starting point for a broader debate among neorealist thinkers.

Furthermore, human security is also related to non-traditional security. This is evident in the tendency of countries worldwide to focus their attention on contemporary threats that originate beyond the state. This is evident in China and ASEAN. Leaders in the Asian region have positioned non-traditional threats as a shared issue to be addressed collectively, given that the cooperation addresses several forms of non-traditional threats, such as piracy, smuggling, human trafficking, drug trafficking, transnational crime, terrorism, and other emerging threats (Tang, 2016). Tang further elaborated on the challenges faced in implementing this cooperation, as the agreement does not address direct intervention. States are given the flexibility to ratify or implement agreements based on consensus. Although considered ineffective, this step could provide a way to

address non-traditional threats as a shared threat. This situation can be seen in the experience of dealing with the COVID-19 pandemic, which disrupted regional and global economic development (Tardy, 2020; Seloom, 2020).

The above study concludes that human security has become a major concern for regional and global leaders. This is further reinforced by the emergence of several consensus within the United Nations calling for serious attention to addressing contemporary humanitarian issues. The practice of human trafficking, linked to cross-border crimes committed by organized crime groups, marks a new era of crime that impacts not only one country but also the surrounding region, with a modus operandi that leverages technology and the ease of human mobility from one country to another. This portrayal of a non-traditional threat, however, presents losses that are equal to, or even greater than, traditional threats. Therefore, this study seeks to bridge the gap between how the phenomenon of human trafficking poses a threat to human security at the national and regional levels. Previous research has focused more on human security phenomena from the perspective of regional cooperation and international regimes that regulate state efforts to address non-traditional threats. This research focuses on the real issues faced by countries like Indonesia: how the Indonesian government protects its citizens, how the Indonesian government deals with regional norms and regulations regarding the repatriation of its citizens, and the consensus within the region regarding security gaps that need to be addressed and enhanced to ensure regional security from threats that endanger humanity in the ASEAN region.

DISCUSSION

Addressing violations against Indonesian migrant workers is a priority for the Indonesian government. Through the Indonesian Ministry of Foreign Affairs, the Indonesian government is working to advocate for those deemed victims. Field interviews with Indonesian Police Attachés in Thailand and Malaysia revealed that one of the problems faced by Indonesian workers abroad is exploitation, often involving employers withholding passport documents and then denying wages. In some cases, the Indonesian government has advocated for those who are not paid, even bringing these cases to court. The goal is to ensure workers' rights are fulfilled, and perpetrators who violate their rights are punished (Nurcahyo, 2024).

In addition, the categorization of violations of migrant workers' rights as activities related to human trafficking requires further study, considering that the intentions of perpetrators of human trafficking and those of ordinary criminal offenses have different legal consequences. Human trafficking perpetrators can be charged with harsher penalties, and a global agreement has been reached to combat this issue collectively. At the law enforcement level, in-depth verification efforts are carried out when dealing with cases deemed human trafficking, and the final decision rests with judges, who have binding decisions. Judges render verdicts based on the facts of the trial. Meanwhile, researchers have attempted to differentiate between labor exploitation and human trafficking itself, establishing qualifications such as coercion, deception, abuse of vulnerability, or restriction of liberty as constitutive elements based on international legal standards. This includes the practice of confiscating passport documents, blocking access to communication with the outside world, and unsafe working conditions, as in the case of Malaysia (Yahya and Krisiandi, 2020).

The Indonesian government recognizes that the problem of migrant workers abroad is caused by several factors ranging from low literacy of the world of work abroad, low awareness to report themselves to embassies or representative institutions abroad, the continued practice of sending workers outside the official corridors prepared by the government, as well as the massive offers that appear from human trafficking syndicates targeting prospective workers. There is a difference between before the pandemic and after, before the pandemic, especially before 2020, the recruitment mechanism used conventional methods by relying on labor dispatch services that had branches in several regions in Indonesia, this mechanism lasted for a long time while after 2020 there was a shift where the use of social media was so massive and this method was effective in reaching prospective workers with very diverse backgrounds ranging from educational backgrounds and regions of origin because the wide reach made many young people fall into the trap of human trafficking syndicates under the camouflage of employers (Ministry of Foreign Affairs, 2025).

These activities also lead to cases where domestic workers, who should be focused solely on domestic work, are trapped in commercial sex work because they have no choice or are forced into it (IOM Indonesia, 2023). Women remain vulnerable to human trafficking, a pattern reflected in cases uncovered by the Indonesian National Police. Several investigations have revealed recruitment schemes where victims are promised jobs as domestic workers, only to be forced into commercial sexual exploitation. These deceptive practices illustrate how gendered work expectations are manipulated to facilitate exploitation. Furthermore, authorities have documented cases involving forced marriages, where victims are forced to marry men they have never met, further demonstrating the diverse and coercive nature of human trafficking (Pusiknas POLRI, 2023).

The above portrait demonstrates the relationship between gender-based vulnerability, deception in the recruitment process, and weak cross-border surveillance, reinforcing the need to address human trafficking as a comprehensive discourse, as it concerns human dignity and human security. Based on this research, it was found that human trafficking patterns in ASEAN countries, particularly in the Mekong region, differ from those in the Middle East. In the Mekong region, human trafficking is directly linked to well-organized and well-run online fraud operations. This pattern has become increasingly apparent since June 2022, when the world entered a period of economic recovery from the pandemic, which led countries to reopen tourism and cross-border mobility after two years of COVID-19 restrictions. Informants consistently reported that the resumption of regional movement created new operational space for human trafficking networks embedded in online fraud and gambling schemes (International Crisis Group, 2023; Nurcahyo, 2024).

The Cambodian case served as an early indicator for Indonesian law enforcement to investigate human trafficking cases nationally. The Cambodian case emerged in August 2022, highlighting allegations of torture and illegal detention by a syndicate against 36 workers tasked with running online gambling operations at a company located in a special economic zone (International Crisis Group, 2023). This was further corroborated by the Indonesian National Police Attaché in Bangkok, Senior Commissioner Endon Nurcahyo, who explained that human trafficking cases in the Mekong subregion—Thailand, Myanmar, Laos, Cambodia, and Vietnam—showed a different operational pattern compared to cases in the Middle East and Malaysia. In the Mekong context, human trafficking is closely linked to online fraud operations rather than conventional labor exploitation (Nurcahyo, 2024). According to Nurcahyo, this pattern became evident in mid-2022, following the gradual reopening of economic activities after the COVID-19 pandemic. As tourism and cross-border movement resumed, reports of online scamming compounds began to surface. The first reports he received originated from Cambodia. By August 2022, documented cases included allegations of torture and unlawful confinement involving approximately 36 Indonesian nationals employed in online gambling and scam-related operations (Nurcahyo 2024). This testimony indicates that post-pandemic economic recovery created conditions that trafficking networks exploited to expand scam-based operations across the Mekong subregion.

After 2020, the development of the digital industry in Southeast Asia has given rise to new forms of exploitation in trafficking in persons practices, especially after the COVID-19 pandemic. Economic crises, mobility restrictions, and increased internet usage created new spaces for cross-border criminal activities, including the recruitment of victims to work in online fraud centres affiliated with the online gambling industry in Myanmar, Cambodia, and Laos (UNODC 2023; IOM 2023). Victims were recruited through fake job advertisements on social media with promises of high salaries and decent working conditions, but upon arrival, they were detained and forced to work under threats of physical and psychological violence. This phenomenon marks a shift in exploitation from labour-based sectors to digital exploitation that focuses on financial gain through cybercrime, including investment fraud, online gambling, and love scams. This form of online exploitation demonstrates how technology has become a new instrument in transnational human trafficking that is difficult to detect through national legal mechanisms (Tumangger and Yusuf 2025; Azis and Azhari 2025).

This shift in exploitation patterns is also driven by the digital economy trend and ease of access to the digital world, which several online gambling operators have exploited to create a new platform for those seeking to generate income through online gambling. Although gambling is categorized as a prohibited activity, the strong digital penetration of online gambling syndicates has led to an increase in this activity during the pandemic. Studies have shown an increase in online gambling activity across nearly all age groups, particularly among young people, due to economic factors, easy access to technology, and weak digital oversight (Ginting and Ginting 2023; Supratama et al. 2022). Meanwhile, from a socio-economic perspective,

online gambling is seen as a way to escape economic and social pressures, while simultaneously presenting new vulnerabilities exploited by transnational criminal networks to recruit victims (Jadidah et al. 2023). Thus, the existence of the online gambling industry not only functions as an arena for digital crime but also represents a new frontier of human exploitation in Southeast Asia, blurring the lines between economic crime, cybercrime, and human trafficking (UNODC 2023; IOM 2023).

The practice of human exploitation in the online gambling industry reflects the complex human security crisis in Southeast Asia. From a human security perspective, this type of threat impacts not only physical safety but also the economic, personal, and community dimensions of victims. Digital recruitment across national borders demonstrates how non-state actors exploit economic and social vulnerabilities to create a form of modern slavery that adapts to technology. Countries in the Southeast Asian region, including Indonesia, face serious challenges in developing protection systems capable of anticipating this threat as they continue to rely on conventional law enforcement approaches. Therefore, countermeasures should be directed towards strengthening human resilience through cross-sectoral policies that emphasise inclusive economic development, digital literacy, international cooperation, and the protection of migrant workers and victims of online exploitation (UNODC 2023; IOM 2023).

New Patterns And Recruitment Mechanisms

Based on the conducted research, several significant findings have emerged, including the existence of regions that have become centres of activity for gambling, casinos, prostitution, fraud, and human trafficking. The United Nations Office on Drugs and Crime (UNODC) reported that there are 100,000 victims of human trafficking in Southeast Asia (UNODC 2023). The high number of victims is undoubtedly due to the ease of human mobility and the weak supervision at the ASEAN level in preventing human trafficking in the region. Specifically, the Government of Indonesia, through the Ministry of Foreign Affairs, stated that in the last five years, there has been a growing trend of human trafficking and fraud cases involving Indonesian citizens. Between 2020 and 2025, there were approximately 10,000 Indonesian nationals linked to fraud-related crimes, 1,500 of whom were identified as victims of human trafficking. Cambodia has been cited as one of the preferred destinations for Indonesian citizens seeking employment, attracted by offers of administrative or marketing positions with salaries ranging from 1,000 to 1,200 USD (Pusiknas Polri 2025; Maarif 2025; Nurcahyo 2024).

Indonesian citizens caught in cases of human trafficking and online gambling practices have been found across Cambodia, Myanmar, Laos, and Vietnam. According to the data handled by the Indonesian National Police Headquarters, most victims departed on their own initiative after receiving overseas job offers (Figure 1). Brokers who acted as intermediaries for job seekers managed their passport administration and travel tickets. Once the required documents were completed, victims were flown from the nearest airports to their place of residence, most commonly Soekarno-Hatta International Airport in Bali, and the international airport in Batam (Darmosumarto 2025). These airports were chosen due to their high flight traffic and their routes connecting to the target Indonesia. From airports in Indonesia, victims were flown to Kuala Lumpur or Bangkok, and upon arrival abroad, they were transported by land to compounds that serve as centres for online gambling and fraud operations.

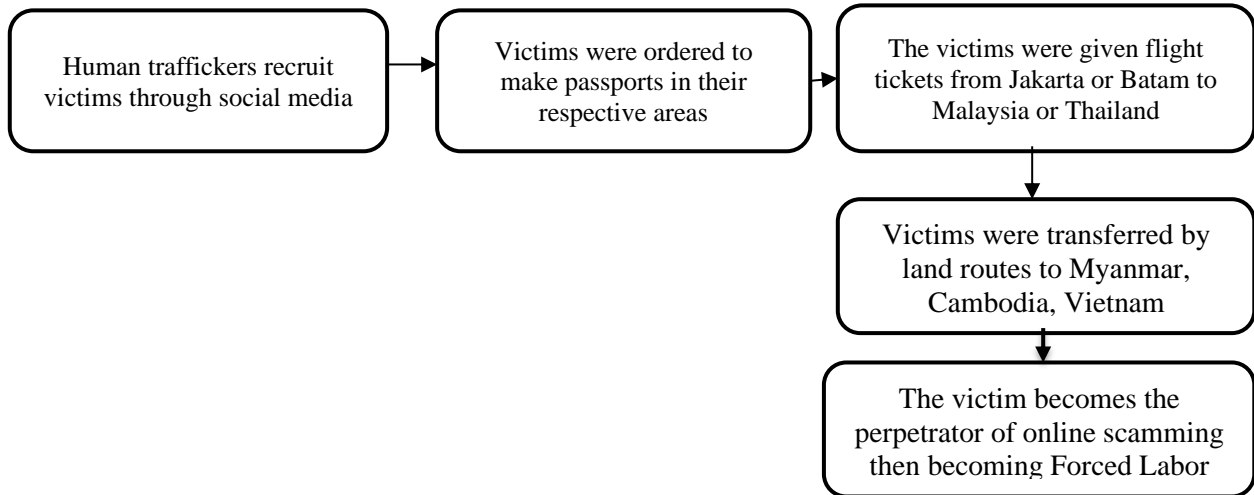


Figure 1: Network of Online Scams and Human Trafficking in Southeast Asia

Source: Authors (2025)

The recruitment pattern utilising social media platforms proved to be highly effective in reaching victims who were generally young and proficient in using electronic devices (Figure 2). Job offers circulated through social media also escaped the attention of law enforcement agencies, which traditionally assumed that human trafficking could only occur in countries with weak legal systems and unstable governance. This gap was exploited by traffickers to recruit as many victims as possible. In Indonesia, the same situation occurred within Indonesia’s Ministry of Communication and Digital Affairs, which possesses the technological capacity to detect cyberattacks against national facilities, yet recruitment camouflage conducted by traffickers through social media proceeded smoothly without detection. This was evident from the widespread circulation of job ads freely posted on social media across Indonesia. The government began to suspect these activities after incidents of abduction and confinement involving trafficking syndicates and Indonesian victims came to light (Kementrian Luar Negeri, 2025). Many of the victims in Cambodia, Myanmar, Laos, and Vietnam had departed after being influenced by job advertisements they encountered on social media (International Crisis Group, 2023).

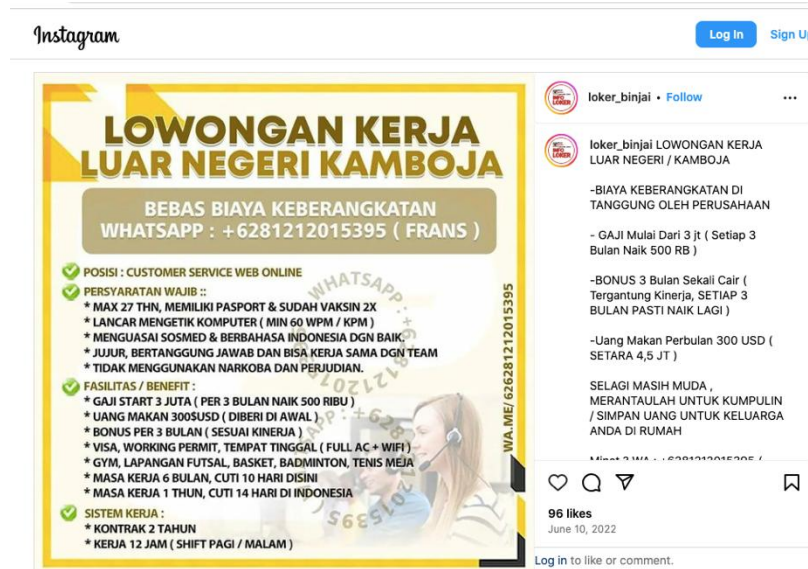


Figure 2: Form Job Advertisement in Social Media for Customer Service in Cambodia

Source: Authors (2025)

Referring to data from the Ministry of Foreign Affairs, as illustrated in Figure 3, there was a sharp increase in the number of Indonesian citizens entering Cambodia between 2020 and 2024. In 2020, 14,565 Indonesians crossed into Cambodia, declining to 8,410 in 2021, but sharply rising again to 75,653 in 2022, reaching 127,178 in 2023, and peaking at 166,795 in 2024. In 2024, out of 166,795 Indonesians arriving in Cambodia,

only 131,184 had residence permits, which means that almost 30,000 did not possess legal residence status. The high number of Indonesian citizens arriving in Cambodia for tourism reasons has become a concern for the Indonesian Embassy in Cambodia, considering that this large number of Indonesian citizens has the potential to become victims of human trafficking. The 2024 data indicate that employment in the online industry accounted for 58 percent of all occupations. Based on data from the Indonesian Ministry of Migrant Workers Protection (KP2MI), which is responsible for the placement of Indonesian migrant workers abroad, the top five destinations for job seekers are Hong Kong, Taiwan, Malaysia, Japan, and Singapore (KP2MI, 2025). These countries are categorized as recommended by the Indonesian government. Meanwhile, Cambodia has not been included in the list of favorite destinations for Indonesian migrant workers. Cambodia emerged as a destination for job seekers precisely when the trend of online gambling and online fraud drastically increased after the COVID-19 pandemic. In addition, according to data from the Ministry of Foreign Affairs, from cases that have been revealed, Cambodia has indeed become one of the destinations for workers recruited by human trafficking syndicates in Indonesia (Ministry of Foreign Affairs, 2025).

Table 2. 2025 Transnational Crime Data

No	Type of Crime	Number of Cases
1	Narcotics	35,171
2	Authentic Data Manipulation	12,901
3	Selling and Distributing Drugs	2,041
4	Psychotropics	371
5	Human Trafficking	349

Source: Pusiknas POLRI, 2025.

Table 3. Human Trafficking Case Trends 2023–2025

No	Year	Number of Cases
1	2023	958
2	2024	691
3	2025	349

Source: Pusiknas POLRI, 2025.

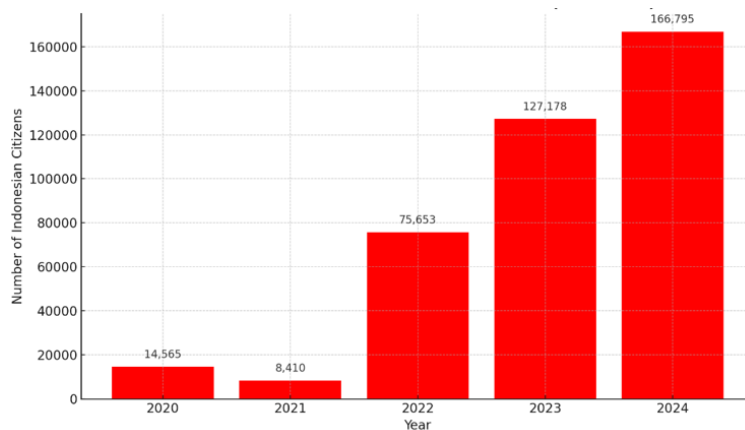


Figure 3: Number of Indonesian Citizens in Cambodia (2020-2024) (Embassy of the Republic of Indonesia in Phnom Penh, 2025; Authors, 2025)

The mobility of Indonesian citizens to countries suspected of being centres of online gambling and fraud activities has contributed to the increase in human trafficking cases handled by the Indonesian National Police (Table 2, Table 3). Transnational crimes in the form of human trafficking represent a major component of the cases investigated by the Indonesian National Police. As an illustration, in 2023, there were 958 cases handled domestically, 691 cases in 2024, while by October 2025, the number had reached 380 cases, with potential for further increase as law enforcement operations continue until the end of the year (Pusiknas Polri 2024). What has occurred in Cambodia exemplifies one of the ASEAN countries where online gambling and fraud are widespread, with similar incidents also reported in Myanmar, Laos, and Vietnam.

Policy Gaps

The existence of transnational crimes such as human trafficking in Southeast Asia has opened up a space for discourse regarding the governance of human mobility, whether for tourism, work, or other activities, requiring comprehensive policies at the national level in Indonesia and the Southeast Asian region. Despite the consensus and commitment among countries in the ASEAN region, including the shared norm of the Convention on the Eradication of Human Trafficking (ACTIP), ASEAN has not been able to fully coordinate and harmonize legal aspects and law enforcement mechanisms in addressing human trafficking. Although ACTIP contains shared principles regarding prevention, protection, and prosecution, at the implementation level, there are gaps between countries, indicating a lack of shared commitment among all members. Differences in domestic legislation, evidentiary standards, victim protection protocols, and law enforcement authority create structural fragmentation that is often exploited by perpetrators of human trafficking.

In reality, the absence of a common legal framework at the ASEAN level has led ASEAN member states to rely heavily on bilateral schemes for victim repatriation and rescue operations. Rather than operating through an integrated regional law enforcement architecture, countries negotiate cooperation mechanisms on a case-by-case basis, particularly when rescuing victims from cross-border fraud complexes or forced labor centers. This bilateral dependence reflects a significant policy gap: ASEAN has a normative will, but it lacks a supranational enforcement mechanism capable of ensuring a swift, coordinated, and binding response. Furthermore, in certain regions of Southeast Asia, authority vacuums exist, creating ample space for transnational criminal activity, particularly human trafficking. In parts of Myanmar, for example, areas outside the full control of the central government, particularly those influenced or controlled by ethnic armed organizations, have developed into permissive environments for illicit economic activity, including operations related to human trafficking. These semi-autonomous or conflict-affected zones present unique jurisdictional challenges. Law enforcement officials from several ASEAN countries face serious limitations in conducting investigations, conducting extraditions, or carrying out rescue missions in areas where state sovereignty is fragmented or disputed.

The absence of the state and the lack of authority create a haven for transnational criminal activity. This situation contributes to the emergence of irregularities such as the freedom to conduct illegal transactions, the ease of protection for armed groups, an informal tax system, and limited international monitoring, allowing the human trafficking complex to operate unimpeded. This reality reveals the disharmony between ASEAN's state-centric legal instruments and its inaccessible territorial realities. Regional cooperation and agreements assume functional and cooperative state authorities; however, in a fragmented political environment, this assumption does not always hold. As a result, multiple policy gaps arise. First, there is a gap in legal harmonization, where differences in national anti-trafficking laws hinder smooth cross-border prosecutions. Second, there is a gap in institutional coordination, marked by the lack of a binding operational authority in ASEAN mechanisms. Third, there is a gap in regional management, marked by the existence of areas in Southeast Asia that are not under the full control of authorities, which hinders law enforcement. Such factors contribute to ASEAN's limited collective capacity to combat human trafficking networks that are increasingly moving rapidly and adaptively, exploiting the digital economy and the ease of human mobility in the region.

Consequently, the region faces a structural asymmetry: while trafficking networks operate fluidly across borders and governance vacuums, state responses remain bounded by sovereignty, legal fragmentation, and political sensitivities. Addressing this policy gap requires not only stronger ACTIP implementation and legal

harmonization but also innovative mechanisms for cross-border operational coordination, enhanced intelligence-sharing, and structured engagement strategies for conflict-affected or weakly governed areas. Without bridging these structural divides, ASEAN risks perpetuating a reactive model of cooperation—one that depends on episodic bilateral negotiations rather than institutionalized regional enforcement—thereby allowing trafficking networks to continue exploiting legal inconsistencies and governance vacuums across Southeast Asia.

Recognising the high number of cases, the Government of Indonesia has taken firm action. The President instructed ministries and state institutions to respond swiftly to the issues of online gambling and human trafficking. The Indonesian government even elevated the issue of human trafficking as one of the key agendas among ASEAN leaders during the ASEAN Summit held in Labuan Bajo, Indonesia, in 2023 (ACT 2025). As a follow-up to meetings among ministers and senior officials in ASEAN, Indonesia has played an active role in supporting regional cooperation efforts by strengthening coordination within the frameworks of the Senior Officials Meeting on Transnational Organised Crime (SOM) and the ASEAN Ministerial Meeting on Transnational Organised Crime (AMMTC). These initiatives aim to ensure the repatriation of victims and to address human trafficking issues continuously and sustainably with a five-year target for 2023–2028 (ASEAN Secretariat 2023). Through solid planning as well as gradual monitoring and evaluation, the Government of Indonesia, together with ASEAN leaders, hopes to resolve the human trafficking problem within a specific timeframe.

At the domestic level, the Government of Indonesia has encouraged law enforcement agencies, particularly the Indonesian National Police, to conduct large-scale operations across the country to arrest perpetrators and rescue victims of human trafficking. According to AW, a member of the Criminal Investigation Directorate of the Indonesian National Police, as a form of particular attention to these cases, the Chief of the Indonesian National Police announced an incentive programme for regional police departments (POLDA) (AW 2023). Those capable of apprehending a high number of perpetrators or rescuing a significant number of victims would receive direct recognition from the leadership. This policy was welcomed by regional police offices, each reporting their respective results (AW 2023). The measure had a direct impact on efforts to prevent individuals from departing abroad. For perpetrators, the nationwide operations revealed a complex network of syndicates involved in every stage of trafficking, from recruitment and document preparation, including passports and tickets, to brokers facilitating movement from one point to another until reaching Cambodia, Myanmar, Laos, and Vietnam. Knowledge of these trafficking networks was followed by cross-border operations involving ASEAN law enforcement agencies. Through cooperation within ASEANAPOL, police forces in the region coordinated joint operations to rescue victims and apprehend the individuals identified as masterminds behind human trafficking crimes.

The implications of regional cooperation and the large-scale arrests carried out by Indonesian law enforcement included increased awareness among families of victims, encouraging them to report the whereabouts of their relatives who had become victims, either before or after their departure abroad. The growing number of reports from the public provided important indications for the Ministry of Foreign Affairs to monitor the presence of Indonesian citizens in countries identified as main destinations for online gambling and fraud-related employment, such as Cambodia, Myanmar, Laos, and Vietnam. The Indonesian government also dispatched senior police officials to coordinate with law enforcement agencies in Thailand and the Philippines to prevent further human trafficking cases. In addition, the Ministry of Communication and Digital Affairs blocked websites that were actively engaged in illegal online gambling activities in Indonesia. From late 2024 to mid-2025, the Ministry reported the closure of 1,192,000 websites identified as being linked to online gambling activities (Komdigi 2025). While these policy measures signify progress, the persistence of trafficking networks suggests deeper structural factors driving vulnerability.

This study concludes that the high number of human trafficking cases in Indonesia cannot be separated from both pull and push factors. The pull factors of human trafficking originate from the availability of overseas job offers in countries such as Malaysia and Thailand. For many young Indonesians, securing employment abroad with a salary paid in foreign currency is a dream, particularly in Thailand, which is widely known as a country that welcomes foreign workers in the creative industry sector. Similarly, Malaysia, as Indonesia's neighbouring country, is considered more advanced in terms of wages and provides broader employment

opportunities. For university graduates seeking professional careers, offers to work in Malaysia and Thailand represent opportunities that are difficult to ignore. These reasons have led many young Indonesians to fall into the traps of transnational criminal syndicates engaged in human trafficking.

Several Indonesian nationals who fell victim to trafficking reported that they were initially recruited for seemingly legitimate positions, such as administrative staff or restaurant workers in Thailand or Malaysia. Upon arrival, however, they were transferred to third countries, particularly Myanmar or Cambodia, without prior knowledge or consent. This cross-border relocation reflects a deliberate operational strategy employed by trafficking syndicates, whereby victims are moved across multiple jurisdictions to obscure detection, complicate law enforcement coordination, and reinforce dependency. In these destination locations, victims were compelled to work as operators in online gambling and fraud compounds, often situated within special economic zones characterized by weak regulatory oversight. They operated under strict surveillance, including restricted communication, confiscation of travel documents, and performance-based intimidation (Pusat Pelaporan dan Analisis Transaksi Keuangan, 2024). The systematic monitoring and geographical displacement reduced opportunities for escape and limited access to diplomatic or legal protection.

The transnational transfer of Indonesian victims from one country to another thus illustrates how contemporary trafficking networks exploit regional mobility regimes and governance gaps within Southeast Asia. By relocating victims across borders, syndicates not only evade national enforcement mechanisms but also fragment responsibility among states, further prolonging victim vulnerability and institutional response delays. The issue of human trafficking has become an iceberg phenomenon that spreads from one country to another. The victims' national backgrounds are diverse, not only from Southeast Asian countries but also from China, South Korea, and Japan. Indonesia is among the countries that contribute a significant number of victims. The Indonesian government itself stated that between 2020 and 2025, there were 10,000 online scam cases involving Indonesian citizens in several countries, and 1,500 of them were victims of human trafficking. Judo Nugraha, then Director of Indonesian Citizen Protection, stated that the number of human trafficking victims reached tens of thousands: "Since 2020, a total of more than 10,000 online scam cases have occurred, initially only in Cambodia, and have spread to nine other countries. In total, we have recorded cases of Indonesian citizens involved in online scams in 10 countries," (Detik News, 2025).

The Indonesian government also continues to strive to repatriate citizens caught in human trafficking syndicates and online fraud networks (Tribrata News, 2026). The large number of Indonesians trapped in human trafficking networks is inseparable from the lack of adequate employment opportunities within the country. The victims' profiles show that most were young individuals who had recently graduated from university, and in several cases, even those who already held master's degrees were still vulnerable to becoming victims of human trafficking. These findings underscore the need to reconceptualise anti-trafficking strategies through a human security lens that integrates technological, legal, and socio-economic dimensions. This study concludes that human trafficking in Southeast Asia has evolved into a highly complex and adaptive form of transnational crime, driven by international syndicates that strategically exploit advances in information and communication technology to recruit and control victims across borders. Indonesian victims are predominantly young adults, often recent university graduates, who rely heavily on social media and digital job platforms for employment opportunities. This digital dependency has been systematically manipulated by traffickers through fraudulent recruitment schemes disguised as legitimate overseas work.

The findings further demonstrate a direct nexus between online gambling operations, online fraud, and human trafficking. An examination of court decisions and official reports compiled by the Indonesian National Police and the Financial Transaction Reports and Analysis Center reveals that Indonesian nationals who initially departed abroad in search of employment were subsequently coerced into working as operators in online gambling and scam networks. In several documented cases, victims were confined to semi-autonomous zones with minimal state oversight, where they operated under intimidation, surveillance, and restricted mobility. Limited access to external communication significantly constrained their ability to seek assistance from Indonesian diplomatic missions or other protective institutions. This concentration of scam compounds in loosely governed areas has been reflected in international assessments, including reporting and threat analyses by INTERPOL, which have identified parts of Southeast Asia as emerging hubs for large-scale online fraud and trafficking-related exploitation.

Indonesia's experience in repatriating its citizens from countries associated with online scam and gambling operations confirms persistent structural obstacles in case handling and cross-border enforcement. Despite the existence of regional frameworks such as the ASEAN Convention Against Trafficking in Persons (ACTIP), ASEAN has yet to function effectively as a coordinated enforcement mechanism. In practice, bilateral cooperation among individual member states has often proven more operationally effective than multilateral coordination at the regional level. At the technical level, ASEANAPOL has played a comparatively more functional role in facilitating law enforcement communication and victim rescue operations. Collectively, these findings highlight the gap between normative regional commitments and operational realities, underscoring the need for stronger legal harmonization, institutional coordination, and regional resilience mechanisms to address digitally mediated trafficking networks.

CONCLUSION

Based on the study that has been conducted by utilizing qualitative methods with a case study approach, utilizing field data in the form of in-depth interviews with stakeholders from diplomatic elements and law enforcement officers who know the mobility of Indonesian migrant workers and Indonesian society in general both in Indonesia and abroad, supported by secondary data from the Ministry of Foreign Affairs, the Indonesian National Police, the Financial Transaction Reports and Analysis Center, and the Ministry of Manpower, this study concludes that the transformation of society affects the way they interact, this is evident from the strong penetration of social media by human trafficking perpetrators which has an impact on the high number of victims from regions in Indonesia with diverse educational backgrounds and ages. Digital platforms have transformed into a space to advertise job opportunities, which are actually traps that end in human trafficking.

Second, human trafficking syndicates exploit the ease of mobility provided by the ASEAN visa-free system and the relaxed border management practices in some ASEAN countries, creating a space for systematic exploitation by these perpetrators. For some countries, the flow of foreign investment through the Foreign Direct Investment scheme overrides sovereignty and full control over their territories, resulting in the emergence and proliferation of illegal practices by organized crime groups operating across borders. States tend to react when crime cases increase dramatically. Third, the issue of human trafficking linked to online gambling and fraud indicates a serious phenomenon that deserves the attention of ASEAN leaders. This phenomenon stems from ASEAN's inability to consolidate its members to achieve its strategic goals. While ASEAN has a normative commitment to combat human trafficking through ACTIP, this has not been accompanied by a shared commitment by member states to implement it in parallel due to the continued adherence to the principle of non-intervention.

Ultimately, Indonesia's experience demonstrates that law enforcement for human trafficking cases requires detailed mapping, from recruitment and the network of actors involved, administrative processes, the movement of victims from one point to another, and repatriation efforts to return them to their home countries. Indonesia's ability to curb the trend of human trafficking cases stems from its readiness to coordinate national efforts involving relevant ministries and institutions across the law enforcement spectrum. While regional efforts to combat human trafficking have been effective in some cases due to bilateral commitments between countries and cooperation under the umbrella of law enforcement organizations such as ASEANAPOL, which Indonesia frequently utilizes, ASEAN needs to take progressive steps in building an institutional design that allows for flexibility for law enforcement agencies to exchange intelligence and conduct joint operations to combat cross-border crimes under ASEAN coordination.

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Critical Analysis of the Child's Best Interest Principle in Lamongan's 2025 Juvenile Criminal Verdicts

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Abstract

This study emphasizes the importance of applying the child's best interest principle within the juvenile criminal justice system, a core concept recognized both internationally and nationally. This principle views children as legal entities entitled to protection, focusing on guidance, rehabilitation, and their prospects. Although Indonesia has incorporated this principle into many regulations, especially Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, there remains a gap between legislative provisions and practical enforcement. This is evident in the continued use of a repressive approach in juvenile court rulings, such as at Lamongan District Court in 2025. This study employs a normative legal research method, using both a statutory approach and a case study approach. The data includes primary legal sources like legislation and six juvenile case rulings from Lamongan District Court in 2025. Secondary sources, such as scholarly books and journals, are also used. The analysis follows a descriptive-qualitative method to evaluate how closely judicial practices follow the legal principles of the child's best interests. The findings reveal that the application of the child's best interest principle in these rulings has been inconsistent and suboptimal. Despite efforts to combine criminal sanctions with vocational training, rulings mostly remain repressive. Diversion processes have not been fully implemented, even when cases meet the criteria. Moreover, the recommendations from the Correctional Institution's reports have not been fully integrated into decision-making. This indicates that a restorative approach is still weakly practiced, and there is a gap between legal norms and judicial procedures. Therefore, it is essential to strengthen institutions, enhance the capacity of law enforcement officers, and promote a shift towards a more rehabilitative, child-centred approach.

Keywords: best interests of child, Lamongan, diversion, SPPA Law

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INTRODUCTION

The principle of the best interests of the child in criminal law emerged from global policy developments that recognize children as a group in need of special protection (Rifki Alfian Wicaksono, 2023). Its implementation is evident through diversion policies, prevention efforts, rehabilitation programs, as well as the establishment of juvenile courts and specialized training for law enforcement officials in various countries. Children, as vulnerable legal subjects, require special protection within the criminal justice system. Therefore, the principle of the child's best interests must serve as the guiding standard. Indonesia has responded to these developments by ratifying the 1989 Convention on the Rights of the Child and revising its national laws. This principle is explicitly stated in Law No. 11 of 2012 on the Juvenile Criminal Justice System (*Sistem Pidana Peradilan Anak or SPPA Law*), which stipulates that cases involving children should prioritize their protection,

rehabilitation, and future. It promotes diversion mechanisms and a restorative justice approach, with punishment only as a last resort (Rizky Ade Agustin, 2025). This principle also views the child as an individual who needs to be rehabilitated rather than just punished within the criminal justice system (Setiono & Fitriano, 2025). In constitutional theory, the protection of children's best interests originates from the objectives outlined in the Fourth Paragraph of the Preamble to Indonesia's 1945 Constitution. This idea is expanded upon in the Human Rights Chapter, which includes children's rights, as detailed in Article 28B, paragraph (2) of the Indonesian 1945 Constitution (Republik of Indonesia, 1945).

This study examines the efforts to prioritize the child's best interests within the criminal justice system, particularly in Lamongan Regency, Indonesia. Lamongan Regency is a key area for planning programs to prevent juvenile crime. According to recent research data, there were 68 criminal cases involving child offenders between 2021 and 2024 (Siti Bariyatul Ulfah; Dr. Marisa Kurnianingsih, 2025). This situation underscores the importance of preventive measures to keep children from engaging in criminal activities. Lamongan Regency Government works with the District Attorney's Office through the "Prosecutors in Schools" program to educate students about the law. Furthermore, the Department of Women's Empowerment and Child Protection (*Dinas Pemberdayaan Perempuan dan Perlindungan Anak or DP3A*) conducts outreach on child protection and provides training for parents to improve supervision of children's behavior.

The process of enforcing the law against children in conflict with the law must, of course, be carried out in accordance with Law No. 11 of 2012 on the Juvenile Criminal Justice System (*SPPA Law*) and its various implementing regulations in Indonesia, from the diversion stage, through detention and arrest, investigation, prosecution, and the trial process, all the way to the execution of the judge's decision (Satrio Bagus Wira, 2024). The practice of diversion in juvenile criminal cases, which results in an Order to Cease Investigation (*Surat Perintah Penghentian Penyidikan or SP3*), exemplifies law enforcement officials' preference for resolution mechanisms that protect minors from extended judicial processes. This approach embodies the principle that the legal process must prioritize rehabilitation (Siti Bariyatul Ulfah; Dr. Marisa Kurnianingsih, 2025). Data from Lamongan Resort Police from 2021 to 2024 offers empirical evidence supporting this approach, as shown by the number of SP3 (Siti Bariyatul Ulfah; Dr. Marisa Kurnianingsih, 2025). Generally, the data on cases involving children as offenders in Lamongan Regency is summarized as follows.

Table 1. Cases Involving Children as Offenders in Lamongan

No.	Year	Reported Cases Involving Children	Number of child cases conducted for the termination of investigation (SP3)
1.	2021	11 cases	7 cases
2.	2022	7 cases	3 cases
3.	2023	18 cases	10 cases
4.	2024	32 cases	14 cases
	Total	68 cases	34 cases

Source: Lamongan Resort Police - Women and Children's Services Unit (Unit Pelayanan Perempuan dan Anak or PPA), 2025.

In adjudicating juvenile criminal cases, it is essential to consider one of the fundamental principles: the best interests of the juvenile (Anwar & Wijaya, 2020). This also applies when a child is the offender in Lamongan Regency. The principle mandates that all legal processes should focus on safeguarding the child's safety, future, and development. According to Article 3, letter d of the SPPA Law, all actions concerning a child must serve the child's best interests. The best interest principle underscores that legal proceedings involving children should prioritize education, guidance, and social rehabilitation. Punishments should not be vindictive but should aim to correct behavior and help the child reintegrate into society (Muizzuddin et al., 2022).

This principle is also supported by subsidiary regulations that provide a robust legal framework. Government Regulation No. 65 of 2015 on Guidelines for the Implementation of Diversion and the Handling of Children Under the Age of 12 (twelve) emphasizes the importance of diversion and non-punitive measures for children under 12 (Republik Indonesia, 2015). Also, there is Supreme Court Regulation No. 4 of 2014 (*Peraturan Mahkamah Agung or Perma*) on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, which guides judges in applying the best interests of the child principle in diversion by

considering the child's age, degree of fault, and social circumstances (Peraturan Mahkamah No 4, 2014)

In 2025, Lamongan District Court issued six decisions related to the principle of the best interests of the child. These judgments, chosen because they are the most recent juvenile criminal cases and showcase a variety of offenses within the juvenile justice system, offer a solid empirical foundation for assessing how the principle is applied. The cases analysed encompass acts of violence leading to death, aggravated theft, drug trafficking and possession, possession of stabbing weapons, and acts of violence resulting in serious injury. This variety enables an examination of how judicial authorities customize sanctions according to the specific characteristics of each crime, with an emphasis on rehabilitation as the primary objective. Sentencing patterns that combine imprisonment with vocational training, guidance, and supervision demonstrate how courts aim to balance punishment objectives with child-protection principles. This research was undertaken to analyse the following inquiry: How is the principle of the best interests of the child critically analysed in specific criminal cases within the 2025 rulings of Lamongan District Court? The purpose of this study is to evaluate the application of the principle of the child's best interests within the juvenile criminal justice process by examining its adherence to both national and international legal standards and analysing the manner in which judicial decisions embody the protection and rehabilitation of juvenile offenders.

This paper employs a normative legal research method, combining both statutory and case-based approaches to examine how the principle of the child's best interests is implemented within the criminal justice system. The statutory approach analyzes Law No. 11 of 2012 on the Juvenile Criminal Justice System (*SPPA Law*) and the Supreme Court Regulations (Perma), which provide technical guidance for law enforcement on safeguarding children's rights. The case-based approach focuses on evaluating various rulings from Lamongan District Court, emphasizing judges' reasoning and the consistency of practices with legal standards. These judgments, selected as the most recent juvenile criminal cases and representing a range of offenses within the juvenile justice system, provide a strong empirical basis for evaluating the principle's application. The sources include primary legal materials such as regulations and judicial decisions, secondary sources such as journals and books, and non-legal data such as reports and news articles. The analysis employs a descriptive-qualitative method to systematically and thoroughly describe how the principle of the best interests of the child is applied in criminal judicial processes practice (Prof. Dr. Peter Mahmud Marzuki, 2023)

DISCUSSION

The Principle of the Best Interests of the Child in International Law and Indonesian Legislation

The principle of the best interests of the child prioritizes the child's developmental needs at the core of every action, policy, or decision (Miftah Farid, 2025). Piaget's research indicates that children experience various stages of cognitive development, which means their thinking patterns differ from those of adults (Imam, 2024). Bowlby's research demonstrates that secure attachment to caregivers promotes stable emotions and healthy social development skills (Egi Sujana, 2025). These scientific findings highlight the importance of providing children with an environment that fosters their growth and development. In juvenile criminal justice, the principle of prioritizing the child's best interests is given considerable importance because legal processes can impact a child's future. Detention can interfere with education, lead to social stigma, and cause psychological harm (Cahyanda Septiani, 2025). The United Nations Committee on the Rights of the Child emphasizes the long-term effects of detention on mental health and social identity. UNICEF states that family support, rehabilitation, and diversion are more effective at reducing recidivism than punishment. The next section offers an overview of provisions that incorporate the best interests of the child principle into both international and national legal systems.

Table 2. International and National Instruments Regarding the Best Interests of the Child

No.	Regulation	Article	Approach
1.	"Convention on the Rights of the Child (CRC) 1989, Article 3"	"In all actions concerning children...the best interests of the child must be a primary consideration."	"A representative approach because it prioritizes the rights and interests of the child as the party that must be prioritized."



2.	"The Beijing Rules (United Nations Standard Minimum Rules for the Administration of Juvenile Justice) 1985"	"The juvenile justice system must emphasize the child's well-being and proportionality between the offense and the child's circumstances."	"A rehabilitative approach that treats the child as a subject of guidance rather than punishment"
3.	"The Riyadh Guidelines (United Nations Guidelines for the Prevention of Juvenile Delinquency) 1990"	"Emphasizes the importance of preventing juvenile delinquency through social welfare, education, and child participation."	"A preventive and social approach, emphasizing early protection before the child becomes involved in criminal cases."
4.	"The 1945 Constitution, Article 28B, Paragraph (2)"	"Every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination."	"A protective approach that affirms child protection as a fundamental right of citizens."
5.	"Law No. 23 of 2002 as amended by Law No. 35 of 2014 on Child Protection"	"Every child has the right to live, grow, develop, and participate appropriately in accordance with human dignity."	"A preventive approach, as it aims to protect children from harm or danger in both legal and social contexts."
6.	"Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law)"	"The juvenile criminal justice system is implemented based on the principle of the best interests of the child."	"This system emphasizes restorative justice. Juvenile offenders are guided to take responsibility without losing their future through diversion and rehabilitation processes."
7.	"Government Regulation No. 43 of 2017 on the Implementation of Restorative Justice in Juvenile Justice"	"Emphasizes procedures for implementing diversion and resolving children's cases outside of court while prioritizing the child's best interests."	"This restorative approach strengthens the role of mediation and the restoration of relationships between the child, the offender, the victim, and the community."
8.	"Supreme Court Regulations (PERMA) No. 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System"	"Judges are required to prioritize diversion for juvenile cases carrying a potential sentence of less than 7 years."	"A restorative approach that promotes peace and resolution without criminal proceedings so that the child's future is not compromised."

Source: processed by the authors, 2026.

This table demonstrates that both international and national legal instruments are aligned in their focus. Each regulation emphasizes the child's best interests as the core principle guiding all judicial decisions. Furthermore, all regulations affirm the child's right to safety, development, and well-being. International instruments like the CRC, the Beijing Rules, and the Riyadh Guidelines highlight the importance of well-being, fairness, and delinquency prevention. Similarly, national laws such as the Constitution, the Child Protection Law, and the Juvenile Justice Law provide legal and social safeguards. Diversion and restorative justice are now key mechanisms for resolving cases by reconnecting the child, the victim, and the community. Overall, this legal framework aims to ensure that the juvenile justice system promotes prevention, rehabilitation, and restoration to protect the child's future.

Breakthroughs in the Implementation of Diversion under Supreme Court Regulation No. 4 of 2014

In addition to the laws and regulations listed in Table 2 above, there are also technical regulations that govern the implementation of the best interests of the child principle in judicial practice, such as Supreme Court Regulation (Perma) No. 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System. The Perma outlined above is a clear step toward applying the best interests of the child principle to technical regulations for law enforcement officials, especially judges. Its main goal is to ensure that each juvenile case adheres to the principles of non-discrimination, respects the child's dignity, and promotes social rehabilitation. In the book "Juvenile Delinquency: A Sociological Approach," Jack E. Bynum explains that diversion involves redirecting juvenile offenders away from the criminal justice system (Dodik Haryono, 2021). Diversion aims to prevent and protect children from lengthy court processes, helping eliminate the stigma associated with children in conflict with the law. The goal is for children to smoothly reintegrate into their social communities through diversion (Krisnalita, 2019).

Diversion holds significance as outlined in Articles 6 and 8 of the SPPA Law (UU SPPA, 2012). It offers several significant benefits. First, for the child (offender), it avoids detention, encourages responsibility for their actions, and shields them from societal stigma. Second, for the child (victim), it promotes reconciliation, safeguards their interests, and protects them from community stigma. Third, for families and the community, it encourages public involvement in the resolution of juvenile offenses, promotes community harmony, and upholds norms of compliance and order in society (Dodik Haryono, 2021). Article 2 of Supreme Court Regulation No. 4 of 2014 states that diversion must be carried out during the investigation, prosecution, and trial stages. This means that judges go beyond merely deciding sentences during trials; they also act as facilitators of rehabilitation, mediating between the juvenile offender, the victim, their family, and the community. This regulation reflects the Supreme Court's dedication to shifting juvenile criminal justice from a repressive to a restorative paradigm. Consequently, this Perma serves as a tool to uphold the principle of the child's best interests, as mandated by Article 3(b) of Law No. 11 of 2012 on the Juvenile Criminal Justice System, which requires every case involving a child to prioritize the child's best interests.

Revitalizing Indonesia's juvenile criminal justice system is crucial because the principle of the child's best interests has not been fully achieved. This is due to ongoing violations of children's rights, a lack of psychosocial support, and limited resources at the Special Juvenile Rehabilitation Institutions (*Lembaga Pembinaan Khusus Anak or LPKA*). Therefore, improving diversion mechanisms, enhancing law enforcement officers' capacity, and strengthening family roles are vital to effectively uphold the principle of the child's best interests (Lubis et al., 2025).

The criminal law paradigm shifts from the repressive retributive justice philosophy, aligned with legal positivism and classical criminal law, to a restorative justice approach rooted in rehabilitative philosophy and grounded in natural law principles (Zulkarnain Koto, 2024). The retributive approach also highlights the significance of punishing offenders as a means of retribution proportionate to the committed offense. Within this framework, the state imposes sanctions to uphold existing laws, deter wrongdoing, and fulfill the public's sense of justice through imprisonment or fines, depending on the severity of the criminal act. The primary focus remains on the offender as the central subject of the law, rather than on restoring the relationship between the offender and the victim society (Agustin & Sulchan, 2025). Meanwhile, the restorative approach redirects the focus from punishment to restoration. This model encourages dialogue among the offender, the victim, and the community to acknowledge the harm caused and work together to mend the disrupted social bonds (Lasmin Alfies Sihombing, 2024). The restorative approach aims to lessen negative impacts on all involved and enhance the offender's social responsibility. Outcomes can be reached through mediation, restitution, or mutual agreement, avoiding the need for full legal proceedings. This model is increasingly incorporated into new regulations and is viewed as effective in providing meaningful justice and alleviating the stigma faced by offenders (Rapali, 2025).

Supreme Court Regulation No. 4 of 2014 also establishes the process for diversion through discussions among the offender, victim, their families, a social worker, and community leaders. The outcomes of these discussions must be documented in a diversion agreement and submitted to the judge for approval. These

provisions explicitly position the judge as the active overseer of the social rehabilitation process. Supreme Court Regulation No. 4 of 2014 may represent a significant judicial innovation in Indonesia's juvenile procedural law by shifting judges' roles toward those of social mediators. However, this shift requires structural support, including technical training for judges and the presence of supporting institutions, such as the Correctional Institution (*Balai Pemasyarakatan, or Bapas*), as well as social rehabilitation programs (Wardah Nuroniyah, 2022). The success of implementing diversion is highly contingent upon the competence of law enforcement officials in facilitating dialogue and fostering empathy between the child and the victim. Without institutional readiness, the technical provisions of the Supreme Court Regulation will remain merely procedural norms that are challenging to enforce and implement (Sriwiyanti, Wahyu Saefudin, 2021).

Furthermore, Article 7 of Supreme Court Regulation No. 4 of 2014 requires judges to consider the social assessment report from the Bapas before deciding whether diversion is appropriate. This report serves as the basis for an objective assessment of the child's condition, family background, and potential for rehabilitation. The subsequent chapter presents an analysis of six cases reviewed in this study from Lamongan District Court, illustrating the inadequate consideration of diversion reports and Bapas' research findings in the judgment. This suggests that the provisions of Article 7 have not been properly implemented. As a legal consequence, the judges' reasoning prioritizes formal legal considerations over social and educational factors, despite the principle of the best interests of the child requiring a decision that emphasizes the child's upbringing and psychological development.

Critical Examination of the Best Interests Principle for Children in the 2025 Decision of Lamongan District Court

The application of the principle of the best interests of the child in criminal cases requires clear evaluative criteria to ensure objective measurement. In this study, four main indicators can be used to assess how well judges implement this principle. First, the existence of a diversion process before the court hearing. Diversion is a key element because it allows for case resolution without incarceration and emphasizes social rehabilitation, in accordance with Law No. 11 of 2012 on the Juvenile Criminal Justice System. A diversion process must be in place before the formal trial begins to resolve the case outside the criminal justice system, aiming to achieve restorative justice and to prevent the stigma associated with detention as well as the harmful effects of punishment on children. Law enforcement authorities should pursue diversion whenever a case meets specific criteria, reflecting that the judiciary does not immediately place children into the formal criminal justice system (Erizka Permatasari, 2021).

Secondly, the consideration of the report from the Correctional Institution (Bapas), which includes data concerning the child's personality, family circumstances, and social environment. This report serves to determine the child's eligibility for rehabilitation and to guide the provision of appropriate guidance or a suitable rehabilitation program tailored to each child's unique circumstances. The document assists judges in gaining a comprehensive understanding of the child's background, thereby facilitating decisions that are not solely based on legal factors but also encompass the child's protection and developmental needs (Sri Marthaningtyas, 2025).

Third, decisions that include rehabilitative elements such as guidance, educational development, or other measures that support the child's social recovery. The emphasis on actions that enhance the child's social interactions and skills reflects a shift from purely punitive approaches toward rehabilitation, as outlined in Law No. 11 of 2012 on the Juvenile Criminal Justice System (Shaffa Riyadhul Jannah M, 2025). Fourth, the judge's proactive involvement as a facilitator in the child's recovery exceeds simply acting as a formal adjudicator. Judges should focus on the child's protection and rehabilitation needs throughout all case stages, helping the parties implement the most suitable solutions for the child's reintegration into society. This role is based on the principle outlined in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which mandates an approach that prioritizes the child's best interests (Walim et al., 2024).

In 2025, six judicial decisions served as the subject of this study. The six decisions included: first, the commission of a violent act resulting in the death of a child and theft; second, the offense of acting as an intermediary in the sale and purchase of Schedule I narcotics; third, the offense of carrying a stabbing weapon without authorization; fourth, aggravated theft; fifth, participation in a criminal act of violence against a child

resulting in serious injury; and sixth, possession of more than 5 grams of Schedule I narcotics (non-plant-based). Each judgment possesses unique characteristics; however, they share a commonality: all pertain to children in conflict with the law within the context of special criminal cases managed through the juvenile criminal justice system. Furthermore, these rulings reflect a child protection approach and adhere to the mechanisms of the juvenile criminal justice system as prescribed by law—including the implementation of rehabilitation measures, vocational training, and specific provisions concerning the education and supervision of children during their incarceration.

First, Judgment No. 1/Pid.Sus-Anak/2025/PN Lmg involves a child as the perpetrator of a violent crime resulting in death, accompanied by theft. This judgment states that the juvenile offender is 16 years old. The child's family background shows that the parents often left home early to work and support the family, leaving a senior sibling in charge of supervision, who has recently been occupied with work (Putusan Nomor 1/Pid.Sus-Anak/2025/PN Lmg, 2025) This led to the conclusion that the parents were unable to provide sufficient supervision; thus, under Article 3 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the judge advised placing the child in an *LPKA* as a state-supported alternative form of care, in accordance with the principle of *parens patriae* (*Parens Patriae*, 2022).

The minor previously underwent diversion for motorcycle theft. The minor had long harbored feelings for the victim, frequently requesting her social outings, but was consistently rejected, and was once reported to have threatened the victim if she refused to engage in sexual relations. His actions were charged under Article 80, paragraph (3) of Law No. 35 of 2014 concerning Child Protection, which states: "Any person who commits violence against a child resulting in death shall be subject to a maximum imprisonment of 15 years." In this case, the judge sentenced the individual to 11 years of imprisonment and ordered his placement in an *LPKA*. From a legal standpoint, the elements of the relevant statute have been fulfilled, as evidenced by the act of violence leading to the victim's death. Nonetheless, substantively, the application of the maximum penalty in the case of a juvenile warrants reconsideration, taking into account the principle of the best interests of the child as articulated in Article 3 of the Law on the Juvenile Criminal Justice System.

The objective elements in this case are twofold: the use of violence and the resulting death of the victim. Evidence from the trial includes the Medical Examination Report (*Surat Visum Et Repertum*) No: R/004/RES.1.24/2025/Biddokkes, which links the act to the victim's death. The perpetrator's fault is evident because the child confessed to intentionally using high force. However, in juvenile cases, the fault element must be interpreted broadly, taking into account the child's social background. The subjective element pertains to the perpetrator's intent or will (*mens rea*). In the case of a child, this intent originates from an emotional impulse. The internal aspect may encompass an emotional outburst by the perpetrator during the exercise of self-control, as the *actus reus* coexists with the *mens rea*, culminating in a criminal act. Meanwhile, the external aspect usually stems from the circumstances involving both the perpetrator and the victim. This is illustrated by the fact that the violence against the victim happened because an opportunity arose from the surrounding circumstances (Ramadhan & Oktafia Ariyanti, 2024).

An eleven-year incarceration sentence for a juvenile offender of violence underscores a prioritization of deterrence over social and psychological rehabilitation. Prolonged detention of minors may lead to trauma, social isolation, and barriers to reintegration (Andara Hafzha Gustria Putri, 2025). The European Parliamentary Research Service highlights that child-friendly justice requires the juvenile criminal justice system to be appropriate to the child's developmental level, promote humane treatment, and avoid re-traumatizing the child during legal proceedings (Faturrahman, 2024). In this ruling, the judges' interpretation of the principle of the best interests of the child appears to be limited, leading to numerous rulings that do not prioritize this fundamental principle as the primary basis for judicial decisions (Sholehudin & Maharani, 2025). The community research report (*penelitian masyarakat or litmas*) from the Correctional Institution (Bapas) should be a mandatory consideration before a judge issues a verdict, so that the ruling reflects a balance between justice, protection, and the rehabilitation of the child. Thus, although the legal requirements of the ruling were satisfied, the principle of the child's best interests has not been fully upheld. The 11-year prison sentence given to the child should be replaced with rehabilitative measures at the *LPKA* that focus on personality development, moral education, and social reintegration, in accordance with the Child Protection Act and the principles of child-friendly, humane justice.

Second, Judgment No. 2/Pid.Sus-Anak/2025/PN Lmg involves a child acting as an intermediary in the sale and purchase of Schedule I narcotics, charged under Article 114 paragraph (1) of Law No. 35 of 2009 on Narcotics. The daily profile of this 17-year-old child, born on December 15, 2007, indicates that he serves as the family's breadwinner and still lives with his family, represented by his biological older sibling, who has expressed willingness to care for and educate him. Educationally, the child has dropped out of school, and without proper supervision from his family, he often returns home late at night or early in the morning. He also frequently socializes openly with friends, increasing his risk of associating with undesirable influences, including the possibility of getting involved with narcotics (Putusan Nomor 2/Pid.Sus-Anak/2025/PN Lmg, 2025).

The judge sentenced the juvenile to 4 years and 5 months of detention along with vocational training, after finding the child guilty of aiding in the unlawful sale of narcotics. Legally, the criteria are satisfied: the offender offered, sold, or acted as an intermediary in the sale of Schedule I narcotics. Nonetheless, under juvenile criminal law, the judge must also consider fault, motive, and role. Since the juvenile was only an intermediary, his culpability is lower than that of the main offender. According to Article 7, paragraph (1) of the Juvenile Justice Act, juvenile cases typically require diversion unless the sentence exceeds 7 years or involves recidivism. While the potential sentence here is significant, the judge also considers moral and rehabilitative factors relevant to the juvenile offender.

The objective elements of the case encompass two key components: the act of functioning as an intermediary and the possession of Schedule I narcotics, which serve as evidence. The trial demonstrated that the child was simply delivering a package to the purchaser, thereby rendering the child's role primarily that of a field operative. By employing the principles of restorative justice, the child is regarded not solely as a perpetrator but also as a victim of exploitation by a drug syndicate, attributable to inadequate parental supervision and the child's withdrawal from educational institutions. The subjective element involves the intention to act as an intermediary. However, the Indonesian Commission for Child Protection (*Komisi Perlindungan Anak or KPAI*) and the Bapas report a significant number of children involved in the criminal justice system, most of whom come from low-income or dysfunctional families. The family environment during a child's formative years is believed to influence the development of antisocial behaviour and criminal activity. Several studies suggest that juvenile delinquency and criminality frequently originate from adverse upbringing experiences (Agustin & Sulchan, 2025).

Consequently, the judge should evaluate the element of intent with greater proportionality. The application of the best interests of the child principle in this ruling has not been optimal, as it has primarily focused on sentencing rather than rehabilitation. In accordance with Supreme Court Regulation (Perma) No. 4 of 2014, legal proceedings against juvenile drug offenders should prioritize rehabilitation and social reintegration over punitive measures. Overall, this decision reflects a tendency within the judiciary to adopt a repressive stance in criminal cases involving minors and narcotics. However, especially in the case of children, imprisonment should be regarded as a last resort (*ultimum remedium*).

The principle of the child's best interests is adaptable and should be tailored to each child's unique situation. Judges need to evaluate all facets of the child's well-being—physical, emotional, social, and intellectual—before making a decision (Segun et al., n.d.). In this case, the 4-year, 5-month prison sentence does not consider these factors, as it overlooks environmental influences, coercion, and the child's position as a victim of socioeconomic circumstances. Although the legal criteria have been satisfied, this decision reveals a formalistic approach that neglects the child's best interests. The judge ought to have adopted a restorative justice approach, engaging family and social institutions to facilitate effective rehabilitation. This method aligns with the principles of the *SPPA Law* and international standards that emphasize the child's best interests as the foremost priority in all legal proceedings.

Third, Judgment No. 3/Pid.Sus-Anak/2025/PN Lmg. This judgment involves a minor convicted of carrying a sharp weapon without a permit, in violation of Emergency Law No. 12 of 1951. The child is a 17-year-old born on September 28, 2008, currently in 12th grade at school. The child's daily routine involves working at a coffee shop in Lamongan Regency; for instance, on April 17, 2025, at 6:30 PM, the child received an

Instagram message about a gang fight and coordinated with the group via a live Instagram broadcast. The child also picked up a friend and retrieved weapons from a nearby shop around 2:30 AM, suggesting a nightly routine involving the gang. The child's parents attended the hearing, expressing their full commitment to guiding and re-educating the child, and pleading for a lenient sentence so the child can continue his education (Putusan Nomor 3/Pid.Sus-Anak/2025/PN Lmg, 2025).

The judge issued a five-month suspended sentence with probation and supervision by the Bapas. Legally, this provision states that anyone who, without a valid reason, possesses, carries, stores, or hides a stabbing or piercing weapon can face up to 10 years in prison. In this context, the child's act of carrying a weapon without actually using it against the victim was considered a high-risk form of delinquency rather than a criminal act (Zahira Habibah & Hernanda, 2025). Therefore, the judge appropriately weighed and assessed the situation by imposing a conditional sentence and social supervision. However, when applying the principle of the child's best interests, supervision should be rehabilitative rather than merely an administrative measure.

The objective elements in this case involve the illegal possession and carriage of a sharp weapon. Evidence such as a folding knife and witness testimony sufficiently establishes these elements. However, sociologically, the child did not carry the weapon with premeditated intent but likely as a means of self-expression or influenced by their environment. This understanding underscores the importance of a social and educational approach. The subjective element, or the child's culpability, must be connected to intent (*mens rea*) as per the Bapas assessment or community research report (*penelitian kemasyarakatan or litmas*); no evidence of a plan to use the weapon for violent acts was identified. Thus, the intent to commit a criminal offense is not met (Pohan et al., 2023). This verdict aligns with restorative principles under the Law on the Juvenile Criminal Justice System and Supreme Court Regulation No. 4 of 2014, emphasizing the child's best interests. Instead of a criminal penalty, the child was provided with opportunities for rehabilitation under Bapas supervision. The five-month suspended sentence aligns with the principle of *ultimum remedium*, embodying a balanced approach that ensures both the safeguarding of society and the rehabilitation of the juvenile.

Fourth, Judgment No. 4/Pid.Sus-Anak/2025/PN Lmg. It states that the perpetrator's child was confirmed to have participated in aggravated theft according to Article 365, paragraph (2) of the former Criminal Code. The theft occurred on Sunday, 11th May 2025, at approximately 5:30 AM WIB, resulting in a total loss of Rp 5,000,000. The funds were subsequently utilized by the child for personal reasons. The child had a prior criminal record for similar offenses and had previously served an 8-month sentence at the Blitar Juvenile Rehabilitation Institution (LPKA). This ruling considered the child's age, family background, and criminal history when deciding the appropriate legal action (Putusan Nomor 4/Pid.Sus-Anak/2025/PN Lmg, 2025).

The judge handed down a prison sentence of 1 year and 6 months after finding the defendant guilty of property theft with violence. The key elements of the offense are the act of stealing, the property belonging to someone else, the use of violence or threats, and the intent to profit from the crime. Legally, all these elements are satisfied. Nonetheless, given that the defendant is a child, imprisonment should be a last resort (*ultimum remedium*), as outlined in the *SPPA Law (Amalin & Widjajanti, 2025)*. The principle of the child's best interests guarantees their protection, development, and social reintegration. This brief prison sentence aims to balance protecting the victim with rehabilitating the child, yet it still shows a repressive rather than restorative approach.

The key element here is the forcible taking of property. Trial records show that the juvenile defendant and his friend grabbed the victim's bag on the street, resulting in minor injuries. This demonstrates that violence was employed to steal the property. Nonetheless, the judge must also evaluate the child's motive and circumstances before deciding on a juvenile case. Children often commit robbery not out of malicious intent (*mens rea*), but because of economic hardship or peer pressure. These social and economic factors are important legal considerations when establishing the crime's elements. This subjective element is the intent (*mens rea*) to commit violence and take another person's property (Pohan et al., 2023). However, according to the Bapas assessment or community research report (*penelitian kemasyarakatan or litmas*), it was found that the child had committed the same act of theft at the Tuban District Court. The prison sentence without any rehabilitative component also indicates that the application of the principle of the best interests of the child has not been optimal. The current juvenile justice system still lacks provisions for social reintegration programs and character development, even though the objectives of juvenile justice differ from those for adults, as it must

prioritize the child's moral and social development. In this case, the judge did not explicitly include family counseling. In fact, the child's history of recidivism indicates a need for psychosocial intervention. This suggests that the judgment's disposition does not yet reflect the state's obligation to ensure the child's rehabilitation.

Social rehabilitation and moral education should be fundamental parts of the court's decision. Skills training programs, family counseling, and non-formal education at the *LPKA* act as tools to promote character growth and responsibility among children. Therefore, the court's ruling should not focus only on a prison sentence but also affirm the state and family's responsibilities to help the child reintegrate into society. In accordance with the principle of the best interests of the child, sentencing should establish a framework for accountability while safeguarding the child's future. A ruling lacking concrete rehabilitation measures risks the child reverting to previous behavioral patterns without sufficient support for change.

Fifth, Judgment No. 5/Pid.Sus-Anak/2025/PN Lmg. In which the child was found to have committed an act of violence against another child, resulting in serious injury, and was charged under Article 80 paragraph (2) of Law No. 35 of 2014 on Child Protection. Factors affecting the child's involvement in criminal activities include his young age, which makes him vulnerable to negative influences from his environment, as he was also recognized as a street child. The judge issued a sentence of two years in prison and vocational training (Putusan Nomor 5/Pid.Sus-Anak/2025/PN Lmg, 2025). This case is notable because both the perpetrator and the victim are minors, so the approach taken should consider the developmental needs of both parties. Although the sentence may appear punitive, the *SPPA* Law prioritizes restorative and rehabilitative approaches.

The principle of the best interests of the child requires a legal process that not only punishes but also corrects the child's behavior and restores social relationships harmed by the criminal act. The key elements of this case are established, especially the occurrence of violence leading to serious injury. The *Visum Et Repertum* No. 400.7.31/1065/413.209/2025 and the victim's testimony confirm that the perpetrator hit the victim's head, resulting in significant harm. Psychologically, children who commit violence often show reactive behavior patterns due to emotional regulation issues and dysfunctional family backgrounds. This supports the idea that rehabilitative methods, like psychosocial therapy and family counseling, tend to be more effective than incarceration.

From the perspective of the child's best interests, rehabilitation should be the main focus. Additionally, imprisoning perpetrators of violence risks impeding moral and social growth. Court-ordered sentences often reinforce traditional punishment methods. The conditions in juvenile detention centers, which do not yet fully provide a stable, rehabilitative environment, often make imprisonment an ineffective way to change children's behavior. The principle of the best interests of the child requires that the ruling give the perpetrator a chance to understand the impact of their actions and to repair damaged social relationships. Restorative methods like counseling, peer mediation programs, and emotion regulation therapy should be central to managing the case. The ruling in this case has not fully aligned with this approach; as a result, the principle of the best interests of the child has not adequately ensured the psychosocial recovery needed.

Sixth, Judgment No. 6/Pid.Sus-Anak/2025/PN Lmg. The child was convicted of possessing more than 5 grams of methamphetamine, a Schedule I narcotic, and was charged under Article 112 paragraph (2) of Law No. 35 of 2009 on Narcotics. The written judgment states that the child was 17 years old and had no prior criminal record; the child expressed remorse for the act and promised not to repeat it. The judge sentenced the individual to one year and three months in prison, along with vocational training. Legally, this provision states that anyone who, without authorization, owns, stores, controls, or supplies Category I narcotics of a certain weight can face up to 12 years in prison (Putusan Nomor 6/Pid.Sus-Anak/2025/PN Lmg, 2025). In juvenile criminal cases, this sentence is seen as lenient. Since the juvenile justice system in Indonesia still relies on retributive punishments, the principle of rehabilitation has not yet had a significant impact on judicial decisions. This is clear because imprisonment was still applied, even though the offender was a child in a socially vulnerable situation.

From an objective standpoint, physical evidence and forensic laboratory results confirm possession of

narcotics. The minor, in this case, knowingly and intentionally consumed narcotics and sold Schedule I narcotics without permission. Based on the facts presented in court, the minor committed these acts with full awareness of the nature of the substances involved, which satisfies the element of mens rea. The subjective element concerns the intent to possess narcotics; this intent must still be assessed proportionally, as age and mental maturity can affect the child's understanding of the legal consequences of their actions. Although the criminal elements are proven, the judge must still consider environmental factors, peer influence, and the child's social circumstances before determining their criminal liability.

The principle of the best interests of the child, which supports rehabilitation and long-term intervention, is essential for the child's well-being. The goals of the Child Protection Act concerning narcotics are more aligned with a rehabilitative approach, such as addiction counseling, behavioral therapy, and family support. The *SPPA Law* highlights that guidance, education, and social rehabilitation should be the primary basis in sentencing children, as a purely punitive approach is not effective enough to prevent recidivism or improve the child's condition. While this decision includes vocational training, it does not explicitly incorporate addiction rehabilitation, which is vital in cases involving narcotics. This indicates that the decision has not yet fully adopted the principle of the best interests of the child. For effective child rehabilitation, a more comprehensive strategy is necessary. Regarding the six cases at Lamongan District Court in 2025 related to the principle of the best interests of the child, a summary can be presented in the following table.

Table 3. Summary of Juvenile Criminal Verdicts at Lamongan District Court in 2025

No.	Decision Number	Parties	Judgment	Case Category
1.	Judgment No. 1/Crim.Juvenile/2025/District Court of Lmg	<ul style="list-style-type: none"> ● Defendant: AI (child) ● Victim: VPR (child) ● Judge: Olyviarin R. ● Court Clerk: Leny Muji ● Prosecutor: Septi Hariyanti ● Legal Counsel: LABH AL BANNA ● Probation Officer 	11 years' imprisonment at the Blitar Juvenile Correctional Facility and 12 months of vocational training.	Violence against a child resulting in death and theft (Article 80 paragraph (3) of Law No. 35 of 2014 and Article 362 of the Criminal Code)
2.	Judgment No. 2/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> ● Defendant: FR (child) ● Judge: Olyviarin R. ● Court Clerk: Nafi'uddin ● Prosecutor: Eko Vitiyandono ● Legal Counsel: LABH AL BANNA ● Probation Officer 	Four years' imprisonment at the Blitar Correctional Institution and five months of vocational training.	Acting as an intermediary in the sale and purchase of Schedule I narcotics (Article 114, paragraph (1) of Law No. 35 of 2009)
3.	Judgment No. 3/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> ● Defendant: DUR (child) ● Judge: Satrianya A. ● Court Clerk: Siswanto ● Prosecutor: Dwi Dara A. ● Legal Counsel: LABH AL BANNA ● Probation Officer 	Probation for 5 months on the condition that the child does not commit another crime	Unlawful possession of a stabbing weapon (Emergency Law No. 12 of 1951)
4.	Judgment No. 4/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> ● Defendant: MI (child) ● Victim: IF. ● Judge: Anastasia I. ● Clerk: Hari P. ● Prosecutor: Eko Vitiyandono 	A prison sentence of 1 year and 6 months at the Blitar Correctional Institution.	Aggravated theft (Article 365 paragraph (2) of the Criminal Code)

No.	Decision Number	Parties	Judgment	Case Category
		<ul style="list-style-type: none"> • Legal Counsel: LABH AL BANNA • Probation Officer 		
5.	Judgment No. 5/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> • Defendant: RA (child) • Victim: NA (child) • Presiding Judge: Yogi Rachmawan • Associate Judges: I Gede Perwata and Satriany Alwi • Court Clerk: Agung C. • Prosecutor: Nugroho Satya. • Legal Counsel: LABH AL BANNA • Probation Officer 	Two years' imprisonment at the Blitar Juvenile Correctional Facility and three months of vocational training	Violence against a child resulting in serious injury (Article 80 paragraph (2) of Law No. 35 of 2014)
6.	Judgment No. 6/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> • Defendant: MNA (child) • Presiding Judge: Olyviarin R. • Associate Judges: Andi Muhammad and Anastasia I. • Court Clerk: Siswanto • Prosecutor: Eko Vitiyandono • Legal Counsel: LABH AL BANNA • Probation Officer 	Imprisonment for 1 year and 3 months at the Blitar Correctional Institution and vocational training for 4 months	Possession of more than 5 grams of a Schedule I narcotic (Article 112 paragraph (2) of Law No. 35 of 2009)

Source: Data from Supreme Court Judgment Directory Data, compiled by the Author, 2026.

A thorough review of six 2025 rulings by Lamongan District Court reveals that the principle of the child's best interests has not been consistently applied in accordance with relevant legal standards, especially Supreme Court Regulation (Perma) No. 4 of 2014. However, these rulings often combine imprisonment with vocational training, reflecting an effort to balance punishment objectives with the principle of child protection. The direction of the rulings still tends to be repressive rather than restorative. This is shown by relatively high prison sentences in cases such as violence resulting in death (11 years) and drug trafficking (4 years and 5 months), as well as the lack of any record of diversion agreements in the court minutes attached to the rulings. This fact indicates that the technical procedures of Perma No. 4 of 2014, which require judges to order diversion before the trial hearing, have not been fully implemented.

The implementation of Supreme Court Regulation No. 4 of 2014 at Lamongan District Court is seen as only partial and focused solely on formal court proceedings. This results in children remaining incarcerated despite available opportunities for rehabilitation through a restorative approach. Additionally, the lack of consideration given to the recommendations from the Bapas shows that the function of Article 7 of Perma No. 4 of 2014, regarding the review of Bapas reports before deciding on diversion eligibility—has not been properly fulfilled or implemented (Firdaus et al., 2019). Therefore, the judge's considerations focus more on formal legal aspects than on social and educational ones, so the ruling does not fully ensure the psychosocial recovery the child needs. This situation highlights a gap between the technical norms required by the Perma and how they are put into practice.

Based on a review of six decisions issued by Lamongan District Court in 2025, the application of the principle of the best interests of the child has been inconsistent and generally weak in practice. Diversion procedures, which should be prioritized for certain cases, are often not implemented even when the criteria are met, and

there are no evident efforts toward reconciliation in the rulings. Reports from the Probation Office are considered, but they do not play a dominant role in the judge's decision, leading to insufficient attention to the child's social and psychological well-being (Bulan Aulia, 2024). The indicator that functions most effectively is the consideration of BAPAS, as all decisions consistently demonstrate the inclusion of guidance and the use of community research findings as the foundation for judicial deliberation. This ensures that the child's social situation, background, and needs are considered in the decision-making process, so that the outcome does not focus solely on punishment but also on the child's rehabilitation and future.

Applying these four criteria consistently will make the juvenile justice system more effective at protecting children's rights and future. However, research shows that practices at Lamongan District Court remain focused mainly on formal legal procedures. Diversion is often not used to its full potential; while all social research (*litmas*) from Bapas is included and considered in juvenile cases, they do not significantly influence rulings, and the decisions do not yet fully embody a rehabilitative approach. This underscores the need for stronger institutions and a paradigm shift in juvenile law enforcement.

Table 4. Analysis of Four Indicators Regarding Lamongan District Court Decisions of 2025

No.	Decision	Indicator 1: Diversion Process	Indicator 2: BAPAS Considerations	Indicator 3: Rehabilitation Elements	Indicator 4: Judge's Involvement
1.	Judgment No. 1/Crim.Juvenile/2025/Lmg District Court	Attempted but unsuccessful (proceeded to trial)	Counseling has been provided, and the court has reviewed the community research report (<i>litmas</i>); however, the sentence does not match the report from the Correctional Institution (Bapas).	The rehabilitation aspect is unclear; the ruling only mentions a work training sentence—work training is part of social reintegration—but the judge's considerations in the ruling include rehabilitation.	The judge took proactive action by not only issuing the sentence but also recommending social reintegration before the child was reintegrated into society.
2.	Judgment No. 2/Pid.Sus-Anak/2025/PN Lmg	None	Counseling was provided, and the results of the community research report (<i>litmas</i>) were read.	The rehabilitation aspect is unclear and only mentions vocational training (which is included in social reintegration as regulated in SPPA Law).	The judge was active, as they issued a verdict and also recommended social reintegration before the child was returned to society.
3.	Judgment No. 3/Pid.Sus-Anak/2025/PN Lmg	Not explicitly mentioned	Counseling has already been provided, and the results of the community research report (<i>litmas</i>) have been taken into account.	None	The judge took initiative by imposing a supervised probation sentence with several specific conditions.
4.	Decision No. 4/Pid.Sus-Anak/2025/PN Lmg	Already	Counseling was provided, and the results of the community research report (<i>litmas</i>) were read.	None	Not very active, as it concentrates only on punishment without rehabilitation or social reintegration before the child

No.	Decision	Indicator 1: Diversion Process	Indicator 2: BAPAS Considerations	Indicator 3: Rehabilitation Elements	Indicator 4: Judge's Involvement
5.	Judgment No. 5/Pid.Sus- Anak/2025 /PN Lmg	Already in place	Counseling is already established, and the results of the community research report (<i>litmas</i>) have been presented.	The rehabilitation aspect is unclear and only mentions vocational training (which is included in social reintegration as regulated in SPPA Law).	reenters society. The judge was active, as they issued the verdict and also recommended social reintegration before the child was returned to society.
6.	Judgment No. 6/Pid.Sus- Anak/2025 /PN Lmg	None	Counseling was provided, and the results of the community research report (<i>litmas</i>) were read.	The rehabilitation aspect is unclear and only mentions vocational training (which is included in social reintegration as regulated in SPPA Law).	The judge was proactive, as he delivered the verdict and also suggested social reintegration before returning the child to society.

Source: Processed by Authors, 2026.

This study shows that applying the best interests of the child principle in juvenile criminal cases at Lamongan District Court in 2025 still faces various challenges that can be analyzed both conceptually and practically. International and national legal frameworks explicitly mandate an approach that prioritizes the protection and future of the child; however, its implementation at the judicial level, especially at Lamongan District Court, seems inconsistent. Diversion, which should be the primary tool for resolving juvenile cases, is still not applied consistently, even though it is required in certain cases. Considerations from the Bapas have also not become the primary basis for judges' decisions, resulting in rulings that tend to focus more on legal formalities than on the child's personal needs and development. Nonetheless, Article 60 of Law No. 11 of 2012 on the Juvenile Criminal Justice System states: "*Judges must consider the social assessment report from the Probation Officer before rendering a verdict.*" This shows a gap between legal rules and actual judicial practice.

Institutionally, coordination among agencies in Lamongan Regency needs to be strengthened. The Bapas is crucial for providing social recommendations and psychological counseling for children, but it faces staffing and social worker shortages at Lamongan Correctional Services Office. Similarly, the Blitar Special Juvenile Rehabilitation Institutions (*LPKA*), responsible for juvenile sentence executions, must enhance its rehabilitation and counseling services to avoid functioning like a standard prison. The DP3A, working with schools, can broaden prevention efforts through legal education and family support programs. Such institutional collaboration will help uphold the child's best interests from investigation through post-sentencing. Furthermore, it is crucial to realign judicial policy by enhancing training for judges, prosecutors, and investigators on restorative justice methods. This training must highlight that diversion is not just an administrative step but also a vital obligation that promotes the social rehabilitation of children. According to research findings and empirical conditions in Lamongan Regency, as reflected in the verdicts above, the application of the best interests principle remains procedural and has not yet addressed the core of recovery. Law enforcement should shift from a repressive approach to a restorative one that reaffirms children's individual dignity and their roles in society.

CONCLUSION

The findings of this study suggest that the application of the best interests of the child principle in rulings in juvenile criminal cases at Lamongan District Court in 2025 has not been consistently or optimally implemented. While this principle is well-established in various legal instruments both nationally and

internationally, its practical application in the judiciary faces several challenges. Analysis of six rulings shows that judges mainly tend to adopt a repressive approach, often sentencing juveniles to prison, though some rulings incorporate vocational training. This approach, however, does not fully align with restorative justice principles, which focus on rehabilitation, social reintegration, and safeguarding the child's future. Additionally, the use of diversion as the main mechanism in juvenile justice remains underutilized, even when cases qualify for it. The lack of documentation of diversion agreements in court decisions indicates that the procedures in Supreme Court Regulation No. 4 of 2014 are not being effectively followed. The role and input of Bapas reports are also underused in judicial decision-making. This reveals a gap between legal norms and actual practice. To address these issues, efforts should focus on strengthening law enforcement capacity, better implementing diversion, improving support from institutions like Bapas, and shifting from a retributive to a restorative paradigm centered on rehabilitation and the child's best interests.

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Indonesia's FTF Returnee Framework: Densus 88, RAN PE, and Reintegration Challenges

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Abstract

This study employs a Qualitative Document Analysis (QDA) method to evaluate Indonesia's repatriation framework. Data were purposively selected from three primary sources: (1) Statutory documents, including Presidential Decree No. 7/2021 (RAN PE) and Law No. 5/2018; (2) Official institutional reports from Densus 88 AT and BNPT regarding FTF management; and (3) Secondary academic literature from 2019–2024 to ensure contemporary relevance. The analysis followed a thematic approach: documents were first coded to identify the operational mandates of Densus 88, then triangulated against the pillars of RAN PE to identify implementation gaps. Finally, findings were derived through deductive reasoning, mapping these legal mandates against the practical challenges of reintegration in the field. The findings indicate that while Densus 88 plays a crucial role in early detection and neutralizing immediate tactical threats, the implementation of RAN PE faces hurdles in inter-agency coordination and the balance between security-centric measures and humanistic reintegration. The research highlights the necessity of a "unity of effort" between Densus 88 and social-sector stakeholders to prevent recidivism. Ultimately, this study concludes that the effectiveness of handling returning FTFs depends on the seamless integration of Densus 88's specialized intelligence into the broader socio-ideological rehabilitation programs mandated by the RAN PE, ensuring that returnees are neutralized ideologically as well as tactically.

Keywords: Densus 88, RAN PE, Foreign Terrorist Fighters, Asymmetric Threats, Repatriation, Deradicalization

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INTRODUCTION

The collapse of the ISIS territorial caliphate in Syria and Iraq has left a complex security residue for the international community, specifically regarding the hundreds of Indonesian citizens who traveled to the region as Foreign Terrorist Fighters (FTFs) or their associates. As these individuals seek to return, they introduce a profound asymmetric threat to national security Aslam (2020). Unlike conventional military adversaries, returnees carry "invisible" risks, including advanced combat experience, clandestine international networks, and deeply entrenched radical ideologies that could revitalize local extremist cells.

Implementing the Multi-Treatment Model through Three-Phase Synchronization

The strategic shift in Indonesia's counter-terrorism policy, codified through Presidential Decree No. 7 of 2021 (RAN PE), has fundamentally altered the operational DNA of Densus 88 AT. No longer confined to the role of a tactical "striking force," the unit now serves as a central facilitator in a multi-dimensional security response. This research analyzes this evolution through a Three-Phase Synchronization model that manages the trajectory of Foreign Terrorist Fighter (FTF) returnees from conflict zones back into the Indonesian social fabric.

Phase I: Before-Border Strategy – Intelligence Profiling and Preventive Neutralization

The first phase of the Multi-Treatment model begins long before a returnee reaches Indonesian territory. In this Before-Border stage, Densus 88 AT utilizes "Soft Approach" intelligence to conduct deep profiling in displacement camps such as Al-Hol or Roj. This phase is critical as it moves beyond mere identification toward constructing "Psychological-Social Profiles." By collaborating with the Ministry of Foreign Affairs and BNPT, Densus 88 ensures that the verification of citizenship is paired with a preliminary radicalization assessment. This allows the state to differentiate between "hardcore" ideologues and "vulnerable" followers (mostly women and children), ensuring that the subsequent repatriation is not a uniform security action but a tailored intervention strategy.

Phase II: At-Border Intervention – Secure Transition and Humanitarian Security

The transition into the At-Border phase represents a critical "gateway" where national security meets humanitarian obligations. During this phase, the traditional "arrest-first" identity of Densus 88 is replaced by a secure transition mandate. Upon arrival at the port of entry, returnees are triaged based on the profiles established in Phase I. This stage emphasizes "Humanitarian Security," where Densus 88 facilitates the transfer of non-combatants to specialized rehabilitation centers (such as those managed by the Ministry of Social Affairs), while high-risk individuals are managed within the legal framework of Law No. 5 of 2018. This phase provides the necessary legal and psychological "buffer," ensuring that the returnees' first interaction with the state is structured, secure, and conducive to future deradicalization.

Phase III: After-Border Transformation – Multi-Treatment Reintegration and Monitoring

The final and most complex stage is the After-Border phase, which focuses on long-term transformation and social reintegration. This is where the "whole-of-society" pillar of RAN PE is most visible. Densus 88's Regional Task Forces (Satgas Wilayah) shift their focus toward community-based monitoring, working alongside local governments and civil society to mitigate social friction and community rejection. This phase implements the Inter-Dimension Disengagement (IDD) concept, where security is maintained through "Invisible Monitoring." Densus 88 ensures that returnees remain insulated from radical re-recruitment while simultaneously assisting them in accessing the social and economic assistance promised under the RAN PE framework. By integrating structural support with persistent but non-intrusive psychological monitoring, the After-Border phase aims to move the returnee from a state of "security threat" to a state of "community resilience," effectively closing the loop of the Multi-Treatment model.

Addressing Heterogeneous Risks and Vulnerabilities

A critical rationalization for this study, as argued by O'Hara (2023), is that returnees are not a monolithic group. They represent a spectrum from combatants to traumatized women and children, whose exposure to violence requires specialized rehabilitation. In this context, the state must prevent 'second-stage radicalization', a process where returnees return to extremist networks due to social and economic exclusion. Consequently, this framework utilizes the three Pillars of Reintegration established by Pavlova (2020):"

- Psychosocial Intervention: Addressing war trauma, particularly in women and children.
- Ideological Deconstruction: Utilizing the "Idensos" unit and moderate scholars to foster Islam Wassathiyah (religious moderation).
- Economic Empowerment: Severing the dependency on radical networks through vocational training and capital access.

Problem Statement: Bridging the Implementation Gap

Despite the clear mandate of the RAN PE, a critical tension persists between the "security-first" imperatives of Densus 88 and the "humanistic-reintegration" goals of national policy. Implementation is frequently hindered by information silos, where intensive intelligence profiling data is not fully integrated into community-based case management. This study serves as a rigorous evaluative instrument for SK Kepala BNPT No. 66 of 2025, aiming to optimize policy by synchronizing "At-Border" screening with "After-Border" monitoring. Furthermore, this research addresses a significant gap in existing literature. While previous studies, such as Susilowati et al. (2023), have explored the macro-level diplomatic implications of FTF repatriation, they often overlook the tactical-technical realities on the ground. This study fills that void by providing a granular, operational analysis of Densus 88 AT Polri's role within the domestic "Multi-Treatment" ecosystem, moving beyond high-level theory to explore the specific mechanics of Identification and Socialization, long-term monitoring, and inter-agency data sharing.

Research Objectives and Framework

To address these challenges, the study focuses on three core objectives:

- **Mapping the Threat:** To profile returnees and identify their "invisible" risks. By understanding their diverse motivations (ideological, economic, or familial), the research moves toward high-precision, intelligence-led interventions.
- **Evaluating Effectiveness:** To assess how well current deradicalization and rehabilitation programs work under Law No. 5 of 2018. The study examines if this "Multi-Treatment" approach truly addresses the needs of returnees or if gaps remain that could lead to recidivism.
- **Optimizing Synergy:** To identify and fix "friction points" between agencies like the BNPT, Densus 88, and local governments. This objective seeks to create a seamless coordination model that prevents high-risk individuals from falling through the cracks of national security.

Urgency and the "Unity of Effort"

The necessity of this study is underscored by an evolving legal framework that treats deradicalization as an integral component of "pre-emptive defense." Law No. 5 of 2018 empowers the state to address the roots of radicalization before violence occurs, a mandate further operationalized by Government Regulation No. 77 of 2019. Central to these regulations is the concept of "Unity of Effort." The handling of FTF returnees cannot be performed in isolation; it requires a synchronized, "whole-of-government" response. However, the transition from a security-heavy approach to one that balances intelligence with humanistic reintegration remains a significant hurdle. Without a unified operational standard, the potential for gaps in the "Multi-Treatment" process remains a critical vulnerability.

Primary Research Objective: This study aims to evaluate the significance of Densus 88 AT's role within the implementation of the RAN PE. By analyzing the intersection of intelligence operations and national policy, the research identifies the strategic recommendations necessary for a robust national security framework capable of transforming "potential threats" into ideologically resilient and productive citizens.

DISCUSSION

The Evolution of Densus 88: From Tactical Striking to Strategic Intelligence

Densus 88 AT has undergone a significant institutional transformation, shifting from a traditional "striking force" toward a model centered on comprehensive risk profiling and assessment. As noted by Idris and Taufiqurrohman (2021), the unit has moved beyond simple apprehension to become a sophisticated data provider for Indonesia's national deradicalization architecture. In the specific context of Foreign Terrorist Fighters (FTFs), the unit acts as the initial gatekeeper, conducting deep-level profiling that includes:

Ideological Mapping

Assessing the depth of extremist indoctrination to determine the level of threat.

Socio-Psychological Screening: Identifying trauma-related needs, particularly for women and children returning from conflict zones.

- Network Analysis: Tracing domestic links to ensure that reintegration does not inadvertently facilitate the reactivation of local sleeper cells.
- Identification and Mapping: Mapping the specific roles, motivations for departure, and family backgrounds of returnees to ensure subsequent deradicalization programs are tailored to individual needs.
- Risk Data Provision: Providing intelligence-based risk assessments to other agencies, such as the BNPT and the Ministry of Social Affairs, which serves as the foundation for the "multi-treatment" approach
- Decoupling Ideology from Capability: Distinguishing between hardline combatants with high-level tactical skills (ambush, IED assembly) and vulnerable groups like women and children who require different psychosocial interventions.

Neutralizing "Sleeping Assets" Through Intelligence

A critical finding in the research is the identification of "sleeping assets" for the returnees with high-level military capabilities who may appear dormant but remain a latent threat, while the Counter-Asymmetric Strategy: Densus 88 utilizes intelligence-led policing to monitor these individuals' social interactions and digital activities. Preventing Knowledge Transfer: A primary focus of Densus 88's strategic intelligence is preventing these "assets" from transferring their Syrian battlefield expertise (e.g., urban guerrilla tactics) to domestic radical networks like JAD or remnants of ex- JI who refused to disperse.

"End-to-End" Lifelong Resilience and Monitoring (From upstream to downstream)

The evolution of Densus 88 is marked by its commitment to a continuous, "end-to-end" monitoring process from upstream to downstream.

Continuous Oversight

Unlike traditional law enforcement roles that conclude once a verdict is delivered, Densus 88's involvement persists through the suspect, defendant, convict, and inmate stages, extending even after release (former convicts). A Lifelong Commitment: The unit's Regional Task Forces (Satgaswil) utilize "Socialization Identification units to conduct monitoring described as "long-term, potentially lifelong," ensuring that repatriates do not return to radical circles due to social stigma or economic hardship.

Integration of "Hard" and "Soft" Power

This article emphasizes that Densus 88 AT now operates at the critical intersection of security and humanitarianism. According to Istiqomah (2020), through a model of Multi-Treatment Synergy, the unit maintains its "hard approach" capabilities for preemptive strikes under Law No. 5 of 2018 while simultaneously facilitating "soft approach" interventions. This is achieved by engaging a broad spectrum of stakeholders including line ministries, moderate religious figures, deradicalized former convicts (ex-napiter), academics, and NGOs such as YPP to systematically deconstruct radical ideologies (Ramakrishna, 2021). By bridging the gap between national security requirements and the humanitarian needs of returnees, Densus 88 recognizes that successful, long-term reintegration serves as the most effective form of threat neutralization.

Evaluating RAN PE Implementation: Synergy and Gaps

The implementation of the National Action Plan for Preventing and Countering Violent Extremism (RAN PE), as mandated by Presidential Decree No. 7 of 2021, represents Indonesia's strategic transition toward a "Whole-of-Government" approach. This policy serves as the essential legal and operational bridge connecting kinetic security measures with long-term social reintegration. Under the RAN PE framework, counter-terrorism is no longer the sole domain of law enforcement; instead, it is built upon Three Pillars: Prevention, Law Enforcement/Protection, and International Cooperation.

This structure necessitates that Densus 88 AT Polri evolves from an isolated tactical unit into a collaborative partner. Their role now requires seamless synchronization with non-security stakeholders, including the National Counter-Terrorism Agency (BNPT), the Ministry of Social Affairs, and provincial governments, to ensure a continuous "rehabilitation pipeline."

The "Coordination Gap" and Information Silos

Despite this robust policy design, a critical finding of this study is the persistent "Coordination Gap" that threatens the continuity of deradicalization. While Densus 88 demonstrates high operational excellence within the Law Enforcement and Intelligence pillar successfully identifying and neutralizing immediate threats, the handoff to the Social Reintegration phase remains fragmented. A primary obstacle is the lack of a unified data-sharing ecosystem. For example, the intensive psychological and ideological profiling conducted by Densus 88 during initial detention which identifies specific radicalization triggers is often not fully integrated into the case management systems used by local social workers or community leaders. This "information silo" means that those responsible for community-based deradicalization often lack the nuanced intelligence required to tailor their interventions effectively.

Vulnerabilities in Decentralized Monitoring

Furthermore, this lack of "Unity of Effort" creates a significant vulnerability within the decentralized monitoring system. When returnees are repatriated to their home regions, the monitoring burden shifts to local Task Forces (Satgaswil) and local governments who may lack the specialized expertise or resources of central agencies. Without a seamless flow of intelligence from the "At-Border" phase to the "After-Border" community phase, returnees may encounter a monitoring "blind spot." This gap significantly increases the risk of recidivism; former FTFs, facing social stigma or economic hardship, might slip through these structural cracks and re-establish contact with clandestine extremist networks.

To mitigate this, the research suggests that the RAN PE must move beyond theoretical cooperation. It is imperative to establish a synchronized, real-time reporting mechanism a "National Returnee Dashboard" that ensures the state's watchful eye remains consistent from the point of return to full social recovery. This unified approach is the only way to transform a "potential threat" into a resilient, productive citizen.

Mitigating Asymmetric Threats through Monitoring and Deradicalization

The significance of Densus 88 in mitigating asymmetric threats is most visible in its sophisticated Post-Release Monitoring capabilities, which serve as a critical defense against the latent risks posed by returning Foreign Terrorist Fighters (FTFs). These individuals often return from conflict zones possessing advanced tactical skills, ranging from urban guerrilla warfare to IED assembly and maintain clandestine international connections capable of revitalizing domestic extremist networks. To counter this, Densus 88 has shifted toward a model of persistent surveillance that blends high-tech intelligence with human-centric "Socialization Identification" (Idensos). This strategy ensures a continuous "watchful eye" on high-risk returnees, preventing them from utilizing their expertise to recruit or train others within local sleeper cells.

Repurposing Assets: The Soft Approach

A critical finding of this research is the increasing efficacy of Densus 88's "soft approach" initiatives, designed to address the socio-ideological roots of radicalization as mandated by the RAN PE. Central to this strategy is the innovative practice of involving former extremists in counter-narrative programs. Acting as "credible messengers," these individuals are uniquely positioned to deconstruct radical doctrines from within, challenging the "heroic" myths of foreign conflict with the grim reality of their lived experiences. By transforming these "high-risk" individuals into "partners in peace," Densus 88 does more than just neutralize a threat; it actively repurposes human assets to strengthen national ideological resilience.

The "Monitor and Mentor" Model

Furthermore, this mitigation strategy emphasizes long-term, community-based monitoring to ensure a permanent and stable transition back into society. Densus 88 collaborates with Line Ministries, local governments, deradicalized former convicts (ex-napiter), academics, NGOs, local religious figures, and community leaders to create a supportive environment and prevent recidivism.

By addressing the "push-and-pull" factors of radicalization—such as social isolation or the search for identity, the unit aligns its operational output with the humanistic goals of the National Action Plan. This dual-layered approach of "monitor and mentor" ensures that while the state remains vigilant against kinetic threats, it remains equally committed to the long-term rehabilitation of its citizens, effectively shrinking the operational space for asymmetric threats. When relating these findings to relevant referral sources, Indonesia's approach through Densus 88 and RAN PE demonstrates a unique "middle-way." Unlike some nations that rely solely on incarceration or others that focus purely on social welfare, Indonesia attempts to fuse tactical security with ideological rehabilitation. The results suggest that the "significance" of Densus 88 is not merely in its ability to arrest, but in its capacity to provide the foundational security data that allows the social components of RAN PE to function safely.

Comparison with International Standards: The Indonesian "Middle-Way"

This study demonstrates that the synergy between Densus 88 and the RAN PE framework constitutes a unique "middle-way" strategy. Globally, counter-terrorism models often oscillate between two extremes: a strictly securitized model (focusing on incarceration) and a soft-social model (prioritizing welfare). Indonesia's hybrid paradigm fuses tactical security with ideological rehabilitation, positioning it as a significant global case study Hwang (2018).

The research highlights Densus 88's evolution into a high-precision data provider. Unlike traditional tactical units that disengage after detention, Densus 88 provides the foundational intelligence—such as combat history and psychological triggers—that allows the social components of the RAN PE to function safely. This ensures that social workers and mentors are not entering high-risk situations "blind." By maintaining a shadow-monitoring role, Densus 88 creates a "security net" that enables humanistic programs to operate in high-threat environments without compromising public safety.

Ultimately, this model aligns with the United Nations Global Counter-Terrorism Strategy by addressing root causes while maintaining the rule of law. By utilizing the Idensos (Socialization Identification) model, Prasetyo (2024), Densus 88 employs community-centric policing similar to Europe's "Aarhus Model," but adds a robust intelligence layer tailored to the Southeast Asian landscape. This "middle-way" approach proves that effective counter-terrorism is not a choice between hard and soft power, but rather the seamless synchronization of both to ensure a permanent and monitored transition from the battlefield to society.

Summary of Findings

To summarize the data processing results, the following table illustrates the role distribution under the RAN PE framework:

Table 1. Role Distribution under the RAN PE Framework

Phase of Repatriation	Primary Actor	Densus 88 Role	RAN PE Pillar
Arrival/Entry	BNPT/ MOFA/ Densus 88 / Immigration	Security Screening & Profiling	Law Enforcement
Rehabilitation	BNPT / Kemensos (Social Affairs) / Densus 88	Intelligence Assistance	Prevention
Reintegration	BNPT/ Social Affairs / Densus 88/ Local Gov / Society	Monitoring & Surveillance	Prevention & Partnership

Source: Authors' analysis, December 2025.

The logical interpretation of these findings suggests that while the policy framework (RAN PE) is comprehensive, the success of handling returning FTFs depends heavily on the inter-agency interoperability where Densus 88 acts as the "Intelligence Hub." Without the active involvement of Densus 88 in the

monitoring phase, the social reintegration programs run the risk of being compromised by undetected extremist activities.

Concluding Recommendations: Strengthening the National Synergy

To optimize the handling of FTF returnees and ensure the successful implementation of the RAN PE, this research proposes three strategic recommendations aimed at closing existing operational gaps and maximizing the "Multi-Treatment" synergy

Establishment of a Unified National Intelligence-Social Database

The most critical recommendation is the creation of a centralized, real-time data-sharing platform that bridges the gap between Densus 88's tactical intelligence and the civilian agencies' social intervention data. This "National Returnee Dashboard" would ensure that every psychological profile, risk assessment, and ideological background captured during the "At-Border" phase is instantly accessible to social workers and local government task forces in the "After-Border" phase. By eliminating information silos, the state can ensure a seamless transition of care and monitoring, ensuring that the intervention strategies are tailored to the specific risk level of the individual.

Institutionalizing the "Idensos" Model at the Regional Level

Given the decentralized nature of the threat, the research recommends the formal expansion and institutionalization of Densus 88's Socialization Identification (Idensos) unit within all Regional Task Forces (Satgaswil). This unit should act as the permanent liaison between national security apparatuses and local communities. By training local police and community leaders in the "Idensos" method, the state can maintain a persistent but non-intrusive presence in the lives of returnees. This model focuses on early detection of "social friction" or economic hardship, allowing for immediate intervention before these grievances turn into a "pull factor" for re-radicalization.

Development of a Standardized "Exit-Strategy" for Vulnerable Groups

Finally, the research advocates for a specialized legal and operational framework for women and children who were often non-combatant "associates" in conflict zones. The current "security-first" imperative should be complemented by a standardized "Exit-Strategy" that prioritizes trauma-informed care and rapid social reintegration for these vulnerable clusters. This includes streamlining the process for legal documentation, school enrollment for children, and vocational access for women. By successfully removing the "terrorist" label from children through intensive psychosocial support, the state effectively prevents the emergence of a new generation of extremists, thereby securing long-term national stability.

Analysis of Asymmetric Threats Posed by Returning FTFs

The repatriation of WNI (Indonesian Citizens) associated with Foreign Terrorist Fighters (FTFs) introduces a non-traditional security challenge that fits the criteria of an asymmetric threat. Unlike conventional adversaries, returnees possess "hybrid" risks. Data processing indicates that these threats are categorized into three dimensions as mentioned in Wibisono et al. (2019)

- Tactical Dimension: Combat experience and mastery of weaponry/explosives gained in Syrian conflict zones.
- Ideological Dimension: The persistence of "Salafi-Jihadist" doctrine which is difficult to measure through physical surveillance alone.
- Network Dimension: Transnational links to global terror cells that can be reactivated within Indonesia.^[1]_{SEP} The findings suggest that the asymmetric nature of these returnees requires a security response that is equally fluid, moving beyond static border control to dynamic human intelligence.

The Strategic Significance of Densus 88 AT in the Security Architecture

This sub-section discusses the pivotal role of Densus 88 AT as the "gatekeeper" of national security. Based on the evaluation of current operations, Densus 88's significance is demonstrated through two primary functions:

- Intelligence Profiling: Before the implementation of RAN PE programs, Densus 88 conducts a "Security Clearance" and risk-level categorization (High, Medium, Low). This ensures that the rehabilitation approach is tailored to the individual's level of radicalization.
- Preventive Strike vs. Preventive Monitoring: There is a notable transition where Densus 88 now focuses on Preventive Monitoring, maintaining a presence in the community to ensure returnees do not reconnect with local pro-ISIS groups (such as JAD or MIT). This role is essential because while civil institutions (Kemensos/BNPT) handle the "mindset," Densus 88 manages the "physical threat," creating a dual-layered defense system.

Evaluation of RAN PE Implementation: Challenges in Inter-Agency Synergy

The implementation of the National Action Plan (RAN PE) is the primary focus of this evaluation. The results show that the Perpres No. 7 Year 2021 has successfully provided a legal umbrella for "soft approach" measures. However, the discussion identifies several implementation gaps:

- Information Silos: There is often a disconnect between the intelligence gathered by Densus 88 and the reintegration programs managed by local governments.
- Standardization of Deradicalization: While RAN PE mandates deradicalization, the "success indicators" for a "de-radicalized" FTF are still subjective, leading to variations in how Densus 88 and BNPT view a returnee's progress.
- Community Readiness: Data suggests that the RAN PE pillar regarding "Partnership" is the most challenging to implement. The presence of Densus 88 in the monitoring phase can sometimes trigger social stigma, which contradicts the "reintegration" goals of the RAN PE.

Synthesis of Security and Reintegration

Relating these findings, the synergy between Densus 88 and RAN PE represents a modern application of national resilience. The discussion concludes that Densus 88 provides the Stability (Security) necessary for the RAN PE to achieve Sustainability (Social Reintegration). Without the security baseline provided by Densus 88, social programs would be vulnerable to exploitation by sleeper cells.

Table 2. Comparison of Densus 88 Roles (Pre-RAN PE vs. Post-RAN PE)

Aspect	Pre-RAN PE (Before 2021)	Post-RAN PE (Implementation)
Primary Goal	Neutralization & Arrest	Profiling, Monitoring & Deradicalization
Method	Hard Approach (Tactical)	Balanced Approach (Intelligence + Soft)
Agency Interaction	Minimal/Internal	Collaborative (Cross-Ministry)
Focus on FTF	Criminal Prosecution	Risk Management & Reintegration Support

Source: Authors' analysis, December 2025.

CONCLUSION

Summary of Findings: The Evolution of a Strategic Hub

This research concludes that Special Detachment 88 Anti-Terror (Densus 88 AT) plays a transformative role in the implementation of the National Action Plan for Preventing and Countering Violent Extremism (RAN

PE). Its significance has evolved from a traditional kinetic "striking force" into a strategic "open intelligence hub" that underpins the entire repatriation process. By conducting rigorous profiling and risk assessments, Densus 88 provides the essential security baseline that allows "soft approach" measures such as rehabilitation and reintegration—to be applied safely and effectively.

Policy Evaluation: Addressing the Handover Gap

The evaluation of the RAN PE framework reveals that while it provides a robust legal and humanistic structure, its success is heavily contingent on inter-agency interoperability. Densus 88 acts as the primary mitigator of asymmetric threats, such as combat-hardened skills and transnational extremist networks. However, a significant challenge remains in the "handover" process between security-centric monitoring and community-based reintegration. A lack of synchronized data between Densus 88 and local stakeholders creates security "blind spots" that potentially increase the risk of recidivism.

Concluding Recommendations: Strengthening National Synergy

To optimize the handling of FTF returnees and ensure a "Unity of Effort," this study proposes three strategic pillars:

- Establishment of a Unified National Intelligence-Social Database: The creation of a centralized, real-time "National Returnee Dashboard" is critical. This platform would bridge the gap between tactical intelligence and civilian social intervention, ensuring that psychological profiles and risk assessments captured during the "At-Border" phase are instantly accessible to social workers and local task forces in the "After-Border" phase.
- Institutionalizing the "Idensos" Model at the Regional Level: The research recommends the formal expansion of Densus 88's Social Identification (Idensos) unit within all Regional Task Forces (Satgaswil). By training local police and community leaders in this method, the state can maintain a persistent, non-intrusive presence that focuses on early detection of social friction before it turns into a "pull factor" for re-radicalization.
- Standardized "Exit-Strategy" for Vulnerable Groups: A specialized framework is required for women and children who were often non-combatant associates. This strategy should prioritize trauma-informed care and rapid social reintegration—including school enrollment and vocational access—to remove the "terrorist" label and secure long-term stability.

SUGGESTION

For Policy Makers (Government and BNPT): Refine the technical guidelines of Presidential Decree No. 7 of 2021 to explicitly define transition protocols. A standardized Individual Treatment Plan (ITP) should be developed to allow secure profiling data access for social workers.

- For Densus 88 AT Polri: Further institutionalize "Soft Approach" units with specialized training in community-based psychological intervention, allowing officers to act as mentors without triggering social stigma.
- For Local Governments: Develop Regional Action Plans (RAD PE) that increase "reception readiness" and involve local religious leaders in the monitoring process to strengthen the socio-economic resilience of returnees.

The countering of asymmetric threats cannot be achieved through security or social measures in isolation. The synergy between Densus 88's specialized capabilities and the RAN PE's humanistic objectives represents the cornerstone of Indonesia's resilience against violent extremism.

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The Strategy for Preventing Police Misconduct through a Human-Centered Policing Approach

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Abstract

Public trust constitutes the primary foundation of the legitimacy of police institutions in democratic states. In Indonesia, a series of cases involving personal misconduct by members of the Indonesian National Police (Polri) throughout 2025, including serious criminal offenses and incidents that generated negative public opinion, indicate that institutional delegitimization is more frequently driven by the behavior of law enforcement personnel than by weaknesses in formal regulatory frameworks. This article aims to analyze the impact of personal misconduct on the legitimacy of the Polri institution and to propose a human-centered policing approach as a strategy for preventing misconduct and restoring legitimacy. The research employs a normative juridical method with conceptual and sociological approaches. Data were collected through a targeted review of statutory regulations, academic literature, and police policy documents, particularly internal oversight and public complaint data, and were evaluated using thematic analysis. Consequently, the conceptual and policy analysis indicates that police legitimacy depends not only on formal legal authority but, more importantly, on moral integrity, ethical compliance, and public trust. The human-centered policing approach positions police personnel as human subjects with psychological, social, and moral complexities, thereby emphasizing personnel development, early detection mechanisms, and welfare support as proactive strategies to prevent personal misconduct. When implemented consistently, this approach not only strengthens internal legitimacy and institutional integrity but also builds a sustainable foundation of public trust, ultimately fostering a police institution that is professional, accountable, and democratic.

Keywords: police legitimacy, public trust, personal misconduct, human-centered policing

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INTRODUCTION

Public trust constitutes the primary foundation of the legitimacy of law enforcement institutions in democratic states. In the context of policing, legitimacy does not solely derive from formal legal authority, but is primarily shaped by public perceptions of moral integrity, professionalism, and procedural fairness in the performance of service, protection, and law enforcement functions (Tyler, 2017). When public trust in the police declines, social compliance weakens, conflict intensifies, and law enforcement becomes less effective (Bradford et al., 2014; Tyler & Jackson, 2013).

Throughout 2025, a series of high-profile incidents involving personal misconduct by members of the Indonesian National Police (Polri) triggered a significant legitimacy shock in the public sphere. This study

identifies at least seven serious cases, ranging from fatal violence arising from personal disputes to extortion and abuse of authority for private financial gain. These cases were mapped through systematic media monitoring and then cross-checked against public court proceedings and oversight records of the Police Code of Ethics Commission (KKEP). Their gravity is further corroborated by official institutional oversight data. According to the 2025 Public Complaint Management (Dumas) report, the internal oversight function recorded 8,833 formal responses to community grievances (Kepolisian Negara Republik Indonesia (Polri), 2025). The convergence of widespread negative media sentiment and high internal reporting volumes indicates that institutional delegitimization is increasingly driven by moral and behavioral failures at the operational level rather than by the mere absence of formal regulation.

Although juridically all such incidents are classified as individual acts of the perpetrators, sociologically, the public never separates individual Polri members from the institution they represent. Police officers are perceived not merely as ordinary citizens, but as symbols of the state and representations of legal authority. Studies on the symbolic representation of policing show that every action taken by police officers tends to be generalized as a reflection of the institution as a whole (Tankebe, 2013). In the social imagination of Indonesian society, police officers are often positioned as figures held to higher moral standards, such that the personal failure of an individual officer can easily be transformed into a crisis of institutional legitimacy.

This phenomenon is not unprecedented. Public experience surrounding the murder of Brigadier Yosua Hutabarat by his superior in 2022 illustrates how a single instance of personal misconduct can produce systemic consequences for Polri's institutional legitimacy (Kompas.id, 2023). National survey data from that period indicate a decline in public trust in Polri to approximately 50–55 percent, marking the lowest level recorded in the previous decade (Indikator Politik Indonesia, 2022). The subsequent stigmatization of police officers under the label “Sambo” reflects a process of social generalization stemming from the institution's failure to prevent, detect, and address personal misconduct among its members at an early stage (Polri, 2022).

The series of criminal cases involving Polri personnel in 2025 reveals recurring patterns that warrant serious attention. First, the types of crimes committed constitute serious offenses with broad social impacts. Second, the motives are personal and banal in nature, which in fact indicate weak self-control, psychological resilience, and internalization of ethical values among officers. Third, the viral nature of these cases in the digital public sphere accelerates the formation of negative public opinion that Polri has failed to effectively carry out internal guidance and supervision functions. In this context, personal misconduct by Polri members has a far greater destructive impact on legitimacy than procedural errors in law enforcement.

Normatively, Polri has established relatively adequate regulatory instruments, ranging from the Police Professional Code of Ethics and disciplinary regulations to mechanisms of criminal accountability through the general court system. However, the repeated occurrence of personal misconduct culminating in criminal acts indicates a serious gap between norms and practice. The core problem no longer lies in the absence of rules, but in the weakness of early prevention systems, human-centered personnel development, and oversight of the personal and psychosocial dimensions of police officers (Prenzler & Porter, 2015).

Within contemporary policing scholarship, crises of public trust are predominantly examined through the analytical frameworks of procedural justice, community policing, and structural institutional reform. However, scholarly inquiries that explicitly conceptualize the prevention of personal misconduct among police officers as a constitutive prerequisite of institutional legitimacy remain comparatively underdeveloped (Neyroud & Weisburd, 2014). In societal contexts marked by elevated moral expectations toward law enforcement personnel, failure to prevent personal misconduct plays a decisive role in eroding public trust.

Based on the foregoing discussion, this article is directed at addressing two main legal issues. First, why does personal misconduct by Polri members have a significant impact on institutional legitimacy and public trust in Polri within a democratic state context? Second, how a human-centered policing approach can be constructed as a framework for preventing personal misconduct among Polri members in order to restore eroded legitimacy and public trust.

This article addresses a critical gap in the existing literature by formulating Human-Centered Policing as a proactive prevention strategy. While established frameworks such as procedural justice and democratic

policing primarily focus on external interaction standards with the public, and police wellness models often remain confined to clinical mental health, there remains no integrated strategy that addresses officers as complex psychosocial and moral subjects. Unlike organizational justice, which centers on internal fairness and resource distribution, Human-Centered Policing bridges these domains by shifting the institutional paradigm from reactive-punitive oversight to an integrated system of early detection, psychosocial support, and continuous moral development. By positioning officers as human subjects with inherent vulnerabilities, this approach offers a more holistic and sustainable basis for restoring and maintaining institutional legitimacy in a democratic context.

From a state-of-the-art standpoint, scholarly research on policing, both at the international level and within the Indonesian context, has predominantly concentrated on structural reforms of police institutions, the enforcement of professional ethical codes, the strengthening of internal and external oversight mechanisms, and the implementation of paradigms such as procedural justice, community policing, and democratic policing. Within this body of scholarship, police legitimacy is commonly conceptualized as an outcome of legal compliance, procedural fairness, and the quality of public service delivery. In contrast, public trust is positioned as a foundational prerequisite for the effective exercise of law enforcement authority.

Several influential studies, particularly those developed by Tyler and Jackson (2013), emphasize that police legitimacy is shaped more by public moral perceptions of fairness, neutrality, and officer integrity than by coercive power or the threat of sanctions. Within this framework, police behavior becomes a key variable shaping public trust and compliance. Nevertheless, these studies focus mainly on police-community interactions in public spaces and the procedural dimensions of law enforcement, and they do not specifically position personal misconduct by officers as a strategic issue in the construction of institutional legitimacy.

On the other hand, literature on police reform and democratization, as articulated by Bayley (2001), demonstrates that failures in democratic policing often stem from cultural factors and officer behavior rather than solely from institutional design or regulatory completeness. However, in many studies, personal misconduct by police officers continues to be treated as an individual deviation addressed through disciplinary mechanisms, codes of ethics, and criminal law enforcement (Basyarudin & Kurniawan, 2021; Jumadi et al., 2025), without being deeply linked to crises of police institutional legitimacy in the eyes of the public. A similar pattern also appears in academic analyses of Polri within the Indonesian context. Ethical violations and criminal acts committed by Polri members are generally examined through frameworks of legal accountability, the effectiveness of internal oversight, or disciplinary enforcement performance. While important, this approach tends to be reactive and sanction-oriented (Basyarudin & Kurniawan, 2021), and it has not yet positioned the prevention of personal misconduct (Setiawan et al., 2024) as an integral part of strategies to restore public trust and strengthen Polri's institutional legitimacy as a democratic institution.

Based on this gap, the present study offers a conceptual contribution by positioning the prevention of personal misconduct among Polri members not merely as an issue of internal discipline, but as a fundamental prerequisite for police legitimacy and the restoration of public trust. Through a human-centered policing approach, this study shifts the focus of analysis from repressive responses to violations toward preventive strategies based on humane personnel development, management of officers' psychological and social vulnerabilities, and the strengthening of internal institutional legitimacy. In doing so, this study enriches policing scholarship in Indonesia by directly linking the personal dimensions of officers, institutional legitimacy, and public trust within the framework of democratic policing.

The novelty of this article resides in its analytical reorientation from punitive and enforcement-centered responses to misconduct by Polri members toward a preventive and human-centered developmental framework, namely Human-Centered Policing. Rather than treating personal misconduct solely as a matter of legal or ethical transgression, this study conceptualizes such misconduct as an issue of institutional legitimacy and public trust with systemic implications for police institutions. Accordingly, the prevention of personal misconduct is positioned as a strategic pillar of the Polri reform agenda and the broader project of democratic policing. By adopting the concept of Human-Centered Policing, this article advances the discourse by framing police officers not merely as law enforcers, but as human subjects with psychological, social, and moral complexities that require continuous development and sustained institutional support. Consequently, this research asks a fundamental question: how can Polri move beyond reactive oversight toward a preventive

model that addresses the root causes of personal misconduct? By redefining the officer not merely as a legal instrument but as a human subject, this study explores the dimensions of Human-Centered Policing as the next frontier for Indonesian police reform.

DISCUSSION

Police Legitimacy and Public Trust in Democratic States

In democratic states, police legitimacy does not rest solely on formal legal authority conferred by law, but is largely determined by social acceptance and the level of public trust in the institution. From the perspective of the sociology of law, legitimacy is understood as a condition in which society perceives the authority of law enforcement officers as valid, worthy of compliance, and deserving of trust, not because of the threat of sanctions, but because of normative and moral convictions about law enforcement institutions (Sesaningrum et al., 2025; Tyler & Jackson, 2013). Accordingly, legitimacy constitutes a living and dynamic social relationship, constructed through repeated interactions between law enforcement officers and the public rather than merely a static juridical construct.

Weber (2002) distinguishes three principal types of legitimate authority: traditional, charismatic, and rational-legal. Modern policing formally operates within the framework of rational-legal legitimacy, namely authority derived from law, formal procedures, and institutional mandates. However, contemporary research demonstrates that rational-legal legitimacy alone is insufficient to ensure effective policing, particularly in critical and participatory democratic societies. Bottoms and Tankebe (2012) emphasize the concept of dialogic legitimacy, namely legitimacy that is dynamic and continuously negotiated through everyday practices, officers' behavior, and institutional responses to public expectations. When moral and normative dimensions weaken, the exercise of coercive authority risks generating resistance, delegitimization, and escalation of social conflict. Within this framework, legitimacy is not something inherently possessed by institutions, but something that must be built, maintained, and sustained through consistent social interaction.

Furthermore, contemporary scholarship on modern policing underscores that institutional legitimacy is also contingent upon the moral, normative, and ethical dimensions of police personnel. Tyler and Huo (2002) demonstrate that public compliance with and support for the police are shaped more decisively by perceptions of procedural justice, neutrality, and officers' moral integrity than by the deterrent effects of legal sanctions. When these moral and normative dimensions deteriorate, for example, through personal misconduct, lack of transparency, or discriminatory practices, the exercise of coercive authority is likely to generate public resistance, processes of delegitimization, and, in some cases, the escalation of social conflict. This argument is further substantiated by Tankebe and Liebling's (2013) findings, which suggest that legitimacy crises frequently stem not from deficiencies in formal legal frameworks, but from institutional failures to sustain moral and ethical conduct among officers in practice.

Policing institutions are therefore expected not only to adhere to formal procedural requirements, but also to actively cultivate moral authority and public trust. Empirical studies by Jackson et al. (2012) demonstrate that officer conduct aligned with institutional ethical values and integrity directly shapes public perceptions, thereby enabling the preservation of legitimacy even in circumstances where coercive authority must be exercised. Conversely, normative violations committed by Polri members, including abuse of power, personal criminal conduct, or corrupt practices, may precipitate a legitimacy shock with systemic consequences for the institution.

Accordingly, rational-legal legitimacy should be viewed as a formal foundation, while dialogic legitimacy, moral integrity, and public trust function as decisive elements for the success of democratic policing. Modern policing, particularly in democratic states such as Indonesia, needs to emphasize a balance between formal legal authority and social legitimacy built through ethical conduct, transparency, and responsive interaction with the public. This perspective opens space for strategies aimed at preventing personal misconduct among Polri members as a prerequisite for sustaining institutional legitimacy over time.

The legitimacy of the police institution is not perpetually guaranteed by its formal statutory authority; rather, it is continually negotiated through public perception of officers' conduct. When public attention is drawn to illustrative incidents of severe personal misconduct, it triggers a disproportionate impact on public trust. It is crucial to emphasize that these incidents do not necessarily indicate a total collapse of institutional authority. Instead, they create a 'legitimacy shock.' As these isolated behavioral failures are amplified by media discourse, they reshape collective perception, leading the public to question the moral integrity of the institution as a whole. Therefore, current institutional delegitimation is primarily driven by the cumulative psychological impact of individual misconduct, rather than systemic regulatory failure.

Public compliance with the law is shaped more by perceptions of procedural justice, officer neutrality, and moral integrity than by fear of sanctions (Tyler & Jackson, 2013). Low levels of public trust reduce community cooperation, increase social tension, and weaken law enforcement effectiveness (Bradford et al., 2014). Meta-analytic evidence likewise demonstrates a robust association between procedural justice and police legitimacy, which in turn shapes public trust and support for legal authorities even across different social contexts and group identities (Mazerolle et al., 2013). Research in Bekasi found that subjective experiences of fairness, responsiveness, and negative emotions in police encounters contribute to public distrust and affect community participation in the legal system (Sesaningrum et al., 2025). In Bandung, positive perceptions of Polri's role in maintaining security remained contingent on service performance and the quality of police-community relations (Zulganef & Nilasari, 2022).

Other studies also find that public trust in police institutions in Indonesia depends not only on formal performance indicators but also on perceptions of value, integrity, and procedural transparency. Research on transparency in investigative processes emphasizes that institutional openness in conducting legal procedures can enhance public trust (Salwani, 2024). Consistent with these findings, studies examining declining public trust in Polri's performance as a challenge to the implementation of good policing governance show that cases of officer misconduct, including moral and legal violations, negatively affect public trust and perceptions of institutional legitimacy (Azahwa et al., 2025).

Moreover, empirical research on the effectiveness of policing programs, including community policing initiatives, demonstrates that efforts aimed at strengthening police community cooperation, such as mechanisms to enhance police–community relations and procedural justice training, contribute to increased public trust and greater social participation in addressing urban security challenges (Farid, 2025). In this regard, public trust functions as a form of social capital that enables policing institutions to exercise coercive authority in a restrained yet legitimate manner, as communities characterized by higher levels of trust tend to exhibit greater cooperation and responsiveness to the implementation of legal policies.

The relevance of these theories becomes particularly evident in the Indonesian context. Throughout 2025, events such as the handling of demonstrations perceived as repressive, the death of civilian Affan Kurniawan, and seven serious criminal cases involving Polri members illustrate how institutional legitimacy can erode not due to the absence of a legal basis, but because of the collapse of public trust (Saputra et al., 2024; Sesaningrum et al., 2025). These cases demonstrate the effect of legitimacy shock, whereby personal misconduct by Polri members suddenly undermines public confidence in the institution. This phenomenon aligns with Tankebe and Liebling's (2013) analysis, which holds that legitimacy crises are often triggered by institutional failure to control officers' moral behavior rather than by weak formal regulation.

Within Indonesia's sociological setting, Polri occupies a symbolic position that is deeply embedded in everyday social life. Police officers are not perceived merely as individual executors of assigned tasks, but rather as representations of the state and the public embodiment of law within public spaces. As a result, the personal conduct of Polri members, although legally classified as individual actions, is consistently interpreted by the public as reflective of the institution as a whole. Both international and national studies indicate that in contexts characterized by fragile public trust, society tends to engage in institutional generalization in response to instances of officer misconduct (Salwani, 2024; Zulganef et al., 2024).

These empirical facts confirm the theoretical thesis that police legitimacy in democratic states is highly dependent on public trust built through the integrity of officers' behavior. In the absence of such trust, the

legal authority of Polri loses its social foundation, thereby rendering law enforcement practices vulnerable to deepening legitimacy crises. Accordingly, the prevention of personal misconduct among Polri members must be regarded as a strategic issue integral to institutional legitimacy rather than merely a matter of internal discipline or post hoc sanction enforcement (Azahwa et al., 2025). By prioritizing the prevention of personal misconduct, Polri can strengthen internal legitimacy while simultaneously building a sustainable foundation of public trust. This approach encourages a transformation of officers' conduct from mere formal compliance toward genuine moral integrity manifested in everyday interactions with the public. Ultimately, such proactive strategies not only mitigate the risks of delegitimization but also enhance the effectiveness of democratic policing, fostering a police institution that is professional, accountable, and trusted by society.

Personal Misconduct by Polri Members as a Factor of Institutional Delegitimization

Personal misconduct by members of Polri has a profound impact on institutional legitimacy, far more significant than legal violations committed by ordinary civilians. This is closely related to the symbolic position of police officers as representatives of the state and guardians of public morality. In social perceptions, the police are not merely individuals performing assigned duties, but are viewed as personifications of the values of law, order, and justice that ought to be upheld. Consequently, the ethical standards and moral expectations attached to Polri members are inherently higher than those imposed on citizens in general (Azahwa, Fitri, and Wijaya, 2025).

When a Polri member commits a serious criminal offense, such as murder, sexual violence, or crimes motivated by economic factors, the public almost invariably interprets the incident as a manifestation of systemic institutional failure rather than as an isolated individual lapse. Public responses tend to generalize the deviant conduct of a single officer as representative of the institution as a whole, thereby producing collective stigmatization of Polri. This dynamic is clearly reflected in societal reactions to the murder of Brigadier Yosua Hutabarat, as well as to the series of seven criminal cases involving Polri members throughout 2025. In each of these instances, the public perceived that the institution had failed to fulfill its functions of personnel development, supervision, and internal control, resulting in a direct erosion of institutional legitimacy (Sesaningrum et al., 2025).

From a theoretical perspective, personal misconduct by law enforcement officers can be understood as a legitimacy shock, namely a critical event that suddenly undermines public trust in law enforcement institutions (Tankebe, 2013). The concept of legitimacy shock emphasizes the disruptive nature of moral misconduct by officers; it does not operate gradually, but can rapidly dismantle the public's fundamental belief that state agents will act in accordance with the moral and legal values they represent. In the Indonesian context, the series of seven criminal cases involving Polri members in 2025 demonstrates that institutional delegitimization is not caused by the absence of regulations or sanctioning mechanisms, but rather by the institution's failure to prevent and control the personal behavior of its members.

Moreover, personal misconduct by Polri members exposes a disconnect between the normative standards of the policing profession and the psychological and social realities encountered by officers in operational settings. Criminal motives that appear banal in nature, including economic pressures, intimate relationships, jealousy, abuse of authority, and lifestyle-related deviations, suggest that the underlying problem does not necessarily originate from premeditated criminal intent, but rather from weakened moral resilience, limited self-regulation, and insufficient psychosocial support for officers (Reanisane et al., 2024). Within this framework, Polri members tend to be positioned more as objects of organizational discipline than as human subjects characterized by psychological, social, and moral complexity.

The dominant institutional approach to date has relied on repressive and sanction-based mechanisms through the enforcement of codes of ethics and criminal proceedings. Although these measures are important for maintaining accountability and legal certainty, they remain reactive because they are implemented after legitimacy damage has already occurred. Empirical research indicates that without early prevention systems grounded in psychological, social, and moral understanding, personal misconduct will continue to recur and prolong the crisis of public trust in Polri.

Various contemporary studies emphasize the importance of public trust as a primary form of social capital in policing. Tyler and Jackson (2013) argue that public compliance with the law is influenced more strongly by perceptions of procedural justice, neutrality, and officers' moral integrity than by fear of sanctions. Bradford et al. (2014) similarly show that low levels of public trust weaken community cooperation, increase social tension, and reduce the effectiveness of law enforcement. In the Indonesian context, empirical findings also confirm that public perceptions of police behavior shape levels of trust, particularly when officers are involved in personal misconduct that generates widespread negative public opinion (Azahwa et al., 2025).

Empirical evidence further shows that personal misconduct by Polri officers not only produces social and moral harm but also generates systemic effects on legitimacy. Each action that deviates from ethical and legal standards shapes public opinion that the institution has failed to internalize moral values and safeguard the integrity of its members. In the long term, this condition reduces the effectiveness of the police's coercive functions, as the public becomes reluctant to cooperate or comply with legal directives imposed by the institution.



Figure 1: Personal misconduct as a factor of institutional delegitimization.

Figure 1 synthesizes the pathway through which personal misconduct generates a legitimacy shock and shows why preventive intervention must move beyond reactive punishment toward human-centered institutional management. Moreover, recent research indicates that transparency in investigative processes and the application of procedural justice principles play a crucial role in rebuilding public trust. Ambiguity in legal processes or perceptions of impunity not only diminishes public trust but also reduces community loyalty and participation in supporting law enforcement. Waljinah et al. (2025) emphasize that when the public perceives procedural injustice or discriminatory treatment, institutional legitimacy weakens even when formal legal

mechanisms continue to operate. Within the Indonesian context, Polri occupies a particularly prominent symbolic position as the state institution most visibly embedded in everyday social life. As a result, the personal conduct of its members, although legally classified as individual actions, is commonly interpreted as reflective of the institution as a whole. Empirical studies indicate that in contexts characterized by fragile public trust, society tends to engage in institutional generalization in response to instances of officer misconduct, such that a single case of deviation may precipitate a broader legitimacy crisis (Saputra et al., 2024; Sesaningrum et al., 2025).

Overall, empirical evidence confirms that police legitimacy in democratic states is highly dependent on public trust built through the integrity of officers' behavior. In the absence of such trust, Polri's legal authority loses its social foundation, rendering law enforcement practices increasingly vulnerable to legitimacy crises. The prevention of personal misconduct among Polri members should therefore be understood as a strategic imperative for institutional legitimacy rather than merely a matter of internal discipline or post hoc sanction enforcement. Effective prevention requires a human-centered policing approach that positions officers as subjects with psychological, social, and moral complexities, thereby enabling proactive personnel development to safeguard integrity, moral conduct, and public trust (Reanisane et al., 2024; Salwani, 2024).

Recognition that personal misconduct constitutes an indicator of institutional legitimacy fragility necessitates that Polri shift its paradigm from a purely enforcement-oriented mechanism toward a comprehensive prevention strategy. This strategy encompasses not only the strengthening of discipline and internal law enforcement, but also psychological monitoring, ethical and moral development, and social support for personnel. When implemented consistently, such an approach enables institutional legitimacy and public trust to be restored and sustained over time, thereby forming a credible, effective, and accountable foundation for democratic policing.

Accordingly, personal misconduct by Polri members can no longer be understood as an individual deviation separate from institutional concerns. Rather, it constitutes an indicator of a broader legitimacy crisis and underscores the need for a paradigm shift toward more comprehensive and human-centered prevention, as discussed in the following subsection. This approach emphasizes the management of police personnel as whole human beings, thereby enabling preventive development aimed at protecting individual integrity while restoring and maintaining public trust in police institutions.

Human-Centered Policing as a Model for the Prevention and Restoration of Legitimacy

Developments in modern policing theory indicate a paradigm shift from force-oriented policing toward more democratic models of policing, which emphasize accountability, respect for human rights, and a public service orientation. According to Bayley (2001), the success of police democratization is not determined solely by structural or regulatory reforms, but rather by the transformation of values, organizational culture, and officers' behavior in everyday practice. Democratic policing is not only concerned with what the police do, but also with how, why, and on the basis of which values such actions are carried out, so that the public perceives the institution not merely as a coercive apparatus, but as a fair public service provider.

Within this framework of democratic policing, this article further develops the discourse by proposing a human-centered policing approach that positions police officers not merely as instruments of the state or executors of legal authority, but as human subjects with psychological, social, and moral complexities that shape the quality of their professional conduct. Accordingly, police integrity does not depend solely on strict rules and sanctions, but also on the institution's capacity to manage the human dimensions of its personnel systematically and sustainably. Human-centered policing encompasses an approach that recognizes psychological well-being, social support, and moral development of officers as integral components of institutional legitimacy.

This approach is grounded in several fundamental assumptions. First, police officers operate in high-pressure environments because of heavy workloads, exposure to the risk of violence, role conflict, and social as well as institutional pressures, all of which may affect their psychological condition if not managed effectively. Modern policing literature shows that trust-building interaction models, such as procedural justice, exert a

stronger effect on institutional legitimacy than traditional coercive models. International studies indicate that policing interventions emphasizing procedural dialogue, fair treatment, and respect for citizens can enhance public perceptions of legitimacy, increase compliance with the law, and strengthen cross-community cooperation.



Figure 2: Human-Centered Policing as a model for prevention and legitimacy restoration.

To operationalize Human-Centered Policing beyond a theoretical ideal, the framework should rest on three integrated dimensions. First, proactive psychosocial support recognizes officers as vulnerable human subjects who require continuous psychological assessment and accessible mental health resources. Second, technological early detection integrates proactive oversight mechanisms to identify behavioral red flags before they escalate into serious misconduct. Third, continuous moral evaluation shifts performance indicators from narrow law-enforcement outputs toward structural integrity, thereby fostering an organizational culture that rewards ethical compliance.

Second, from the standpoint of institutional legitimacy, preventive approaches to misconduct are more effective than exclusive reliance on enforcement mechanisms. The National Academies of Sciences, Engineering, and Medicine (2022) underscores that legitimacy-building policing must integrate effectiveness, lawfulness, distributive justice, and procedural justice rather than depend solely on coercive strategies detached from substantive justice.

Third, police legitimacy must be cultivated internally through organizational justice, integrity-based leadership, and humane personnel development before it can be credibly projected outward through fair and professional public service. This argument is reinforced by research showing that police legitimacy is strongly shaped by public interpretations of everyday interactions with officers. When officers are perceived to act fairly, neutrally, and with respect for citizens' rights, public trust tends to increase, ultimately fostering greater societal support for and engagement in policing activities (Tyler & Nobo, 2022).

The implementation of this approach requires clear institutional operationalization. The primary actors are the internal oversight functions, specifically the Inspectorate (Itwasum) and the Profession and Security Division (Propam), in collaboration with the Human Resources Division. Operationally, this agenda is aligned with the recent development of AI-based public complaint systems, Dumas Presisi, Dumas QR Codes, and whistleblowing mechanisms (Kepolisian Negara Republik Indonesia (Polri), 2025). Institutional success in Human-Centered Policing should therefore be assessed not merely by the number of officers punished, but by the strengthening of structural integrity, as reflected in achievements such as the expansion of integrity zones and service-oriented bureaucratic reform.

With regard to the prevention of personal misconduct among Polri members, a Human-Centered Policing approach necessitates the strengthening of early detection systems that extend beyond formal violations to include psychological and social indicators. Such systems should include regular psychological assessments, monitoring of stress levels and mental well-being, evaluation of high-risk lifestyle patterns, and support for family relationships and officers' broader social environments. These findings align with recent studies showing that competence, training, leadership style, and incentive structures play a critical role in strengthening legitimacy and public trust. Purely reactive and coercive approaches remain insufficient without support for internal and humanistic personnel development (Fitrianto et al., 2025).

Furthermore, Human-Centered Policing can be understood as an extension of procedural justice, which has been extensively discussed in the literature on police legitimacy. Mazerolle et al. (2013) show that policing interventions incorporating procedural dialogue significantly increase public satisfaction, trust, and cooperation with the police, indicating that interaction mechanisms that respect citizens' dignity form a core element of a human-centered approach. The transformation of Polri's human resource development orientation must also shift its focus from mere administrative compliance toward the cultivation of moral integrity and ethical decision-making capacity. Professional ethics education should be understood as a reflective process that equips officers with the ability to recognize moral dilemmas, manage emotions, and take responsibility for their choices in complex situations. This reflects a model of policing that is not only legally valid but also morally grounded and publicly accountable, in line with the ideals of democratic policing.

Accordingly, Human-Centered Policing is not intended to weaken discipline, hierarchy, or legal accountability within police institutions. On the contrary, this approach strengthens the foundations of Polri's institutional legitimacy by positioning the prevention of personal misconduct as a proactive strategy. Such prevention is not merely an administrative measure or a post-violation sanctioning mechanism, but a comprehensive framework that understands police officers as human beings with psychological, social, and moral complexities. In this way, the institution is better able to anticipate potential misconduct, reinforce internal integrity, and prevent legitimacy erosion that could otherwise trigger a sharp decline in public trust.

Moreover, human-centered policing emphasizes the importance of officer well-being as a component of legitimacy-building strategies. Officers who receive adequate psychological support, moral development, and stress management assistance are more likely to demonstrate consistent professional behavior, uphold ethical norms, and make fair decisions in complex situations. This aligns with the principle of internal legitimacy, whereby institutions build credibility from within before translating it outward through public services that are fair, transparent, and responsive to citizens' needs. In other words, the individual integrity of Polri members becomes the foundation of the institution's collective legitimacy.

In addition, a human-centered policing approach enables institutional leaders to practice effective moral and ethical leadership. Leaders who are able to mentor, model professional behavior, and cultivate an ethical organizational culture influence conduct across all levels of the institution. This effect not only sustains discipline but also shapes strong internal norms, providing officers with a clear moral orientation when confronting professional dilemmas. Thus, hierarchy and accountability are preserved, but are reinforced by moral awareness and ethical commitment rather than mere mechanistic compliance with rules.

From a public perspective, the success of human-centered policing is reflected in societal perceptions of police legitimacy. The public evaluates police institutions not solely based on coercive actions or the severity of sanctions, but on the consistency of officers' moral, fair, and humane conduct. When the public perceives that

Polri is capable of maintaining integrity, respecting citizens' rights, and handling cases professionally and ethically, trust in the institution develops organically. This trust, in turn, becomes social capital that enables the police to carry out their legal functions effectively without excessive reliance on coercive threats or pressure.

Ultimately, Human-Centered Policing underscores that the prevention of personal misconduct and the strengthening of institutional legitimacy are two sides of the same objective. An institution that is able to understand, develop, and safeguard the human dimensions of its members while maintaining discipline and legal accountability will be better positioned to build a police organization that is credible, effective, and sustainable. Through this approach, Polri not only performs its legal functions more effectively but also restores the moral and social foundation required for democratic policing.

CONCLUSION

This study concludes that the recent legitimacy shocks facing the Indonesian National Police (Polri) are driven primarily by individual misconduct rather than by systemic regulatory failure. The analysis demonstrates that formal authority alone is insufficient to sustain public trust. Legitimacy is a dynamic condition that depends heavily on the moral integrity, psychosocial stability, and everyday conduct of individual officers. The persistence of serious personal crimes in 2025 highlights a significant gap between formal rules and the institution's capacity for early prevention, moral supervision, and psychosocial support. To address this gap, this article proposes Human-Centered Policing as a strategic frontier for Polri reform. The model shifts institutional attention toward three integrated pillars: proactive psychosocial support, technological early detection through internal oversight and complaint systems, and continuous moral evaluation. Effective implementation requires collaboration among the Inspectorate (Itwasum), the Profession and Security Division (Propam), and the Human Resources Division. When applied consistently, this framework can strengthen internal integrity, restore public trust, and provide a more sustainable foundation for professional, accountable, and democratic policing.

SUGGESTION

Based on the findings and arguments presented in this article, the prevention of personal misconduct by Polri members should be positioned as a national strategic agenda within Polri reform and understood as an issue of institutional legitimacy rather than merely an internal personnel matter. Accordingly, the Chief of the Indonesian National Police and other policy makers within Polri should explicitly integrate the prevention of personal misconduct into the Strategic Plan, the implementation of personnel development programs, and the performance indicators of internal oversight functions. In addition, Polri should institutionalize an early prevention system grounded in a Human-Centered Policing framework that integrates regular psychological assessments, systematic monitoring of work-related stress, and rigorous evaluation of organizational environments that may precipitate behavioral deviations, while consistently upholding the principles of accountability and legal certainty. Transparency and accountability in addressing personal misconduct must be strengthened through open and protective public complaint mechanisms, enhanced whistleblowing safeguards, and consistent communication regarding follow-up actions and sanctions.

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Policing in the Media Arena: Layered Accountability and Oversight in Reality Police Shows

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Abstract

This article examines how mediated visibility reconfigures police oversight and accountability in Indonesia by treating reality police shows as an empirical arena. This study uses a qualitative–analytical design integrating semi-structured interviews with key institutional actors (Indonesian National Police/POLRI, media practitioners, and broadcast regulators), observational analysis of televised police representations and the digital recirculation, and document analysis of relevant governance and communication frameworks. The findings show that formal oversight mechanisms within Polri and state-based supervisory arrangements tend to operate reactively and with temporal delay when faced with fast-moving, visually driven public scrutiny. In this gap, media platforms, through televised programs and fragmented online circulation, function as a dominant informal overseer that shapes public judgments through visibility management, framing, and affective resonance. These dynamics generate an asymmetrical layered accountability regime, in which symbolic accountability formed in the media arena frequently precedes and constrains the operation of formal accountability processes. The article further identifies a condition of dual accountability that produces a structural dilemma for the Public Relations Division of POLRI (Divhumas), which must uphold law-based procedural legitimacy while simultaneously responding to media-generated demands for symbolic legitimacy. Limited post-production evaluation, weak coordination across the production cycle, and crisis-oriented communication approaches shift meaning-making power toward media actors and audiences, increasing institutional vulnerability to representational distortion. The article contributes to Police Science by conceptualizing accountability as a cross-arena governance process and by outlining policy implications for strategic visibility management, preventive representational oversight, and early-warning monitoring of legitimacy risk under conditions of mediated policing.

Keywords: police accountability, mediated policing, layered accountability, police oversight, reality police shows

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INTRODUCTION

Policing in democratic societies has undergone a significant reconfiguration in the organization of oversight and institutional accountability (Van Brakel, 2021). Police authority is no longer exercised primarily through

vertically ordered systems of internal command and state-centered legal supervision (McMillan et al., 2023; Triola & Chanin, 2023). Contemporary policing increasingly operates within pluralized oversight environments that involve regulatory bodies, media institutions, and publics acting simultaneously across intersecting arenas (Bradford et al., 2017; Van Brakel, 2021). This transformation reshapes the foundations of police legitimacy, extending it beyond procedural compliance toward socially mediated recognition and public evaluation (Bradford et al., 2017; Goldrosen, 2025).

This reconfiguration is particularly evident in the growing entanglement between policing and mass media (Aleem et al., 2021; Morrow, 2019). Police organizations across democratic contexts have intensified the use of broadcast and digital media as instruments of public communication and visibility management (Bolin & Jerslev, 2018). In Indonesia, the National Police (POLRI) has adopted televised reality police shows as a prominent vehicle for displaying police work, promoting transparency, and fostering public proximity. Programs such as 86 (NET TV) and The Police (Trans7) are institutionally framed as efforts to enhance public understanding and trust through mediated exposure (Astuti & Benedicta, 2023). Yet this engagement remains largely episodic and operational rather than strategic, with limited institutional infrastructure for governing representation across the full production cycle (Raspati & Setiawati, 2021).

Police personnel appearing in such programs are predominantly drawn from frontline units and are rarely provided with systematic preparation regarding public communication, ethical exposure, or the institutional implications of sustained media visibility (Rackstraw, 2023). Consequently, policing is frequently rendered through dramatized sequences that privilege immediacy, confrontation, and spectacle, while procedural reasoning, discretionary judgment, and substantive accountability recede from view. Studies on police–media relations suggest that visibility of this kind does not automatically translate into durable gains in public trust and may instead produce ambivalent or unstable legitimacy outcomes (Bradford et al., 2017). Empirical evidence from the Indonesian context similarly indicates weak correlations between media exposure and public confidence in policing institutions.

These developments have direct implications for the operation of accountability in contemporary policing (Colbran, 2020). Accountability increasingly functions as a distributed and relational process enacted across multiple forums of evaluation rather than as a linear chain of hierarchical control (Bovens, 2006). Formal disciplinary mechanisms and legal oversight continue to operate through procedural and incremental modes, while public evaluations circulate rapidly through media and digital platforms, often assuming affective and moralized forms (McMillan et al., 2023; Triola & Chanin, 2023). Intensified institutional visibility amplifies this divergence by accelerating the translation of isolated police actions into generalized assessments of organizational legitimacy (Goldsmith, 2010).

Media dynamics further condition this environment through selective framing and narrative construction (Walsh et al., 2022). Representations of policing increasingly follow attention-oriented logics characteristic of contemporary media economies, privileging conflict, urgency, and visual impact over legal complexity and professional discretion (Rowe et al., 2023). Reality police shows intensify this tendency by embedding police action within narrative structures that emphasize rapid resolution and moral clarity (Rackstraw, 2023). Such representations compress complex decision-making processes into simplified visual scripts and foster performative orientations in police practice (Brucato, 2015). Public judgment consequently gravitates toward symbolic coherence and narrative appeal rather than proportionality, procedural accountability, or the protection of citizens' rights (Reiner, 2013).

These conditions place policing institutions under dual and often conflicting pressures. Legal obligations, professional standards, and formal oversight mechanisms remain binding, while public expectations, formed

swiftly through mediated visibility, generate parallel demands for symbolic responsiveness (Bradford et al., 2017). Governance research highlights heightened institutional vulnerability when the capacity to coordinate multiple oversight mechanisms fails to develop alongside expanding visibility (McMillan et al., 2023; Triola & Chanin, 2023). In the case of Polri, the absence of systematic post-production evaluation and continuous representational monitoring by the Public Relations Division (Divhumas) reinforces a reactive communication posture oriented toward crisis containment after controversies emerge rather than preventive governance of visibility (Sanders & Sheptycki, 2017).

The outcome of these dynamics is a condition of asymmetrical layered accountability. Oversight mechanisms operate concurrently yet unequally in their capacity to shape public perceptions of responsibility and legitimacy (Bovens, 2006; Skogan, 2006). Media actors, regulators, political institutions, and digital publics possess advantages in speed, reach, and narrative circulation, while police organizations remain constrained by slower procedural frameworks and legal formalities (Goldsmith, 2010). From a symbolic field perspective, formal legal authority does not guarantee dominance in meaning-making processes, as media arenas privilege symbolic capital and visibility over jurisdictional mandate (Schlosser, 2013).

This article treats reality police shows as an empirical arena for examining the transformation of policing oversight under conditions of mediated visibility. The analysis focuses on how asymmetrical layered accountability operates in practice and explores its implications for police governance, professional integrity, and institutional legitimacy in democratic settings. Rather than evaluating the normative merits of such programs, the article interrogates the broader reconfiguration of accountability that emerges when policing becomes structurally embedded in the media arena.

In police science, accountability constitutes a central normative principle underpinning the legitimate exercise of the state's coercive authority. It is not confined to administrative compliance with legal rules or internal procedures, but encompasses the institutional capacity of police organizations to justify actions, decisions, and their consequences to the public in ways that are transparent, contestable, and subject to evaluation (McKay, 2022). Accountability, in this sense, is inseparable from legitimacy, as public recognition of police authority increasingly depends on the perceived fairness, proportionality, and responsiveness of policing practices (Bradford et al., 2017).

Oversight functions as the primary mechanism through which accountability is operationalized. Conventionally, police oversight has been organized through formal, hierarchical, and institutionalized arrangements. Internal oversight mechanisms aim to preserve discipline, integrity, and adherence to professional standards, while external oversight extends accountability through judicial bodies, civilian review institutions, and other state-authorized mechanisms (McMillan et al., 2023; Triola & Chanin, 2023). Within this framework, accountability is conceived as a procedural and legally mandated process that unfolds incrementally through established channels. Despite their normative importance, such arrangements display structural limitations, particularly because they tend to operate reactively and are often misaligned with the tempo of public perception and political scrutiny (McKay, 2022).

The expansion of visual media and digital communication infrastructures has substantially altered the architecture of police oversight. Contemporary policing increasingly unfolds under conditions of sustained visibility, in which police actions are routinely recorded, circulated, and evaluated beyond formal institutional settings (Bolin & Jerslev, 2018). Representations of policing through televised reality police shows, amplified by digital recirculation on social media platforms, extend oversight into hybrid spaces that blur distinctions between institutional accountability and public judgment. In this context, the camera functions not merely as

a documentary device but as a mechanism of social surveillance that actively shapes awareness, conduct, and evaluative frameworks surrounding police practice.

This dynamic resonates with the classical panoptic model, in which visibility operates as a disciplinary force that encourages the internalization of control (Schlosser, 2013). Yet mediated oversight in contemporary policing extends beyond panoptic logic. Reality police shows generate synoptic conditions in which large audiences collectively observe a limited number of police actors, reversing traditional surveillance asymmetries such that “the many watch the few” (Mathiesen, 1997). Digital environments further intensify this configuration through practices of *sousveillance*, as citizens actively record, disseminate, and comment on the conduct of state authorities, rendering oversight participatory, fluid, and difficult to stabilize within formal institutional boundaries (Mohler et al., 2022).

These intersecting modalities of oversight produce a condition increasingly described as multilayered accountability. Accountability is exercised simultaneously across multiple arenas, internal disciplinary systems, state-based external oversight, media regulation, and public scrutiny grounded in visual representation, each governed by distinct actors and evaluative logics (Mauri-Rios et al., 2022). In policing, multilayered accountability reflects the coexistence of legal, administrative, political, and symbolic forms of control. Crucially, the central challenge of multilayered accountability lies not in the multiplication of oversight mechanisms per se, but in their asymmetrical configuration, particularly with respect to authority, speed, and their capacity to shape institutional legitimacy (Mauri-Rios et al., 2022).

Asymmetry is most evident in the contrasting operational logics of formal oversight and media-based scrutiny. Formal mechanisms rely on procedural rigor, evidentiary standards, and due process, requiring time and institutional sequencing. Media-based oversight, by contrast, operates in real time and is oriented toward immediacy, emotional resonance, and public attention (Surette, 2015). In many instances, public judgments formed through visual representation precede, and at times overshadow, ongoing formal accountability processes. This tension creates conditions conducive to trial by media, in which police legitimacy is assessed through fragmented visual narratives and popular discourse rather than through comprehensive legal evaluation (Goldrosen, 2025; Graziano & Gauthier, 2018).

Pierre Bourdieu’s theory of the symbolic field offers a critical framework for understanding the position of police institutions (Schlosser, 2013), particularly public communication units such as the Indonesian National Police’s Public Relations Division (Divhumas) within the media ecosystem. Media constitute a field structured by its own rules, power relations, and interests, within which actors compete for the production and circulation of symbolic meanings. Divhumas enters this field as an institutional actor endowed with state-derived symbolic capital rooted in legal authority and formal legitimacy. However, symbolic capital does not automatically translate into dominance when confronted with media-based symbolic power, which derives from framing capacity, visual selection, and narrative circulation (Couldry, 2012).

This imbalance helps explain the recurrently reactive posture of police communication units in moments of representational controversy or legitimacy crisis. Within the media field, symbolic dominance is determined less by formal authority than by the ability to manage meaning production and public attention (Couldry, 2012). When post-production coordination and systematic evaluation of police representation are absent, control over the symbolic construction of policing shifts toward media organizations and audiences. The police institution consequently occupies a weakened strategic position within the symbolic arena, despite retaining formal legal authority.

The cumulative effect of these dynamics is the emergence of dual and asymmetrical accountability in policing institutions. On one level, police organizations remain bound to law, standard operating procedures, and hierarchical command as sources of formal legitimacy (Goldrosen, 2025). On another, they face demands for symbolic legitimacy generated through mediated visibility and public discourse (Bradford et al., 2017). The tension between these sources of legitimacy produces a structural dilemma in policing practice. Procedurally lawful actions may fail to satisfy visual public expectations, while actions that appear symbolically compelling may fall short of substantive accountability. This conceptual framework explains why increased police visibility through reality police shows does not automatically strengthen professionalism or institutional legitimacy and may, under certain conditions, intensify vulnerability to representational distortion within the public sphere.

This article adopts a qualitative–analytical approach to examine the dynamics of police oversight and accountability within the context of mediated representation. A qualitative strategy is appropriate given the analytical focus on institutional processes, power relations, and symbolic practices that shape how policing is scrutinized and held accountable in the public sphere, dimensions that cannot be adequately captured through quantitative measurement alone. By situating policing in media, particularly within the format of reality police shows, as a social and institutional phenomenon, the study seeks to elucidate the meanings, logics, and consequences of media-based oversight for police governance and institutional legitimacy.

The primary data source consists of in-depth interviews with key actors involved in the management, production, and oversight of police representation in the media. Interviewees include senior police officials occupying strategic positions in public communication and internal oversight, as well as external actors such as broadcasting regulators and media practitioners. Semi-structured interviews were employed to allow flexible yet focused exploration of institutional experiences, policy dilemmas, and organizational responses to public controversies arising from televised police representations. This interview design facilitates an in-depth understanding of actors’ perspectives while enabling analysis of how normative frameworks and practical considerations interact within the context of mediated policing (Rowe et al., 2023).

In addition to interviews, the article draws on observational data derived from police representations in reality police shows broadcast on national television and their subsequent circulation in digital media environments. Observation focuses on how police actions are visualized, framed, and narrated, particularly in moments prone to public evaluation and controversy. These observational materials are not treated as quantitative content analysis, but as empirical context for understanding how media logics operate in constructing informal oversight arenas and how visual representation contributes to the formation of legitimacy judgments.

To strengthen the institutional analysis, the study also incorporates document analysis of regulations, internal guidelines, and official statements related to public communication, internal oversight, and police–media relations. Document analysis serves to situate media representation practices within the formal governance framework of policing institutions and to identify discrepancies between institutional norms and operational realities. This approach enables systematic examination of consistency, contradiction, and ambiguity in the management of police accountability under conditions of heightened public visibility (Triola & Chanin, 2023). Data analysis was conducted thematically and iteratively by integrating findings from interviews, observations, and documentary materials. NVivo software was employed to support systematic coding and organization of qualitative data. The analytic process focused on identifying recurring patterns of meaning, particularly concerning the interaction between formal oversight mechanisms and informal media-based scrutiny, the manifestation of asymmetrical accountability, and the institutional positioning of the Public Relations Division (Divhumas) within the media representation arena. A thematic analysis approach was selected because it allows inductive theme development while maintaining a dialogical relationship with the

conceptual framework, enabling empirical findings to be interpreted in a coherent, reflexive, and theoretically informed manner.

DISCUSSION

Formal Oversight as Reactive and Lagging

The findings indicate that formal oversight mechanisms within the Indonesian National Police, encompassing both internal control and state-based external oversight, tend to operate in a reactive and temporally lagging manner when confronted with mediated representations of policing. Oversight is typically activated only after a broadcast segment or visual fragment generates public controversy, rather than functioning as part of an integrated, preventive monitoring system embedded throughout the production and dissemination of media content. This pattern positions formal oversight in a defensive posture, with the police institution responding to legitimacy crises that have already crystallized in the public sphere rather than strategically managing representational risks in advance.

In practice, internal oversight continues to function primarily within procedural and post facto frameworks. Ethical reviews, clarifications, and disciplinary processes are initiated after police actions displayed in the media attract sustained public attention, particularly when online reactions escalate into reputational or political pressure. This temporal sequencing reveals a structural mismatch between the incremental, deliberative logic of formal oversight and the rapid, affective dynamics of media-driven public scrutiny. By the time formal mechanisms are mobilized, the meaning of police action has often already been framed negatively through visual circulation and public commentary.

This condition is further reinforced by the absence of a consistent and institutionalized system for evaluating police representation, especially at the post-production stage of reality police shows. Oversight of broadcast content is neither routine nor continuous, but episodic and situational. Units that are normatively responsible for public communication and institutional representation lack standardized mechanisms to assess how visual editing, narrative construction, and contextual framing shape public perceptions of police professionalism and accountability. Consequently, formal oversight effectively “arrives late,” intervening only after representations have circulated widely and controversy has emerged.

Viewed through the lens of multilayered accountability, these findings suggest that formal oversight has lost its dominant position as the primary arena for determining police accountability. Internal and external state-based mechanisms retain legal authority, yet they are outpaced in terms of speed and influence by media-based forms of scrutiny. Public judgments formed through visual representation frequently precede formal clarification and evidentiary processes, forcing institutional oversight to operate under conditions in which dominant narratives have already been established. Formal accountability thus functions asymmetrically, compelled to pursue and respond to meanings constructed earlier within the media arena.

The findings also demonstrate that formal oversight mechanisms have not fully adapted to the synoptic and participatory character of mediated scrutiny. Internal oversight within Polri is designed to address violations within organizational and legal frameworks, not to engage with forms of public monitoring that unfold through fragmented visuals, online commentary, and rapid circulation of symbolic meanings. This institutional orientation leads formal oversight to treat media controversy as an external disturbance rather than as an integral component of the contemporary policing oversight regime that requires systematic governance.

Conceptually, these findings underscore that the core challenge facing police oversight today lies not in the normative weakness of formal mechanisms but in their temporal and structural displacement within an

expanded oversight landscape shaped by media visibility. Formal oversight continues to function according to its mandate, yet it no longer constitutes the principal arena in which accountability and legitimacy are produced. In the context of reality police shows, this displacement creates conditions under which media logic assumes a dominant role in evaluating police conduct, while formal oversight is confined to a corrective function that arrives after public judgments have already taken hold. This dynamic provides a critical foundation for understanding why media-based scrutiny and public response increasingly shape perceptions of police accountability more decisively than formal oversight processes.

Media as the Dominant Informal Overseer

The findings further demonstrate that when formal oversight operates in a reactive and temporally lagging manner, media, particularly through reality police shows and their subsequent circulation across digital platforms, effectively assume the role of a dominant informal overseer. This dominance does not derive from legal mandate or institutional authority, but from the media's capacity to regulate visibility, direct public attention, and frame the meaning of police action. Under these conditions, oversight is shaped less by internal clarification processes or formal accountability mechanisms than by how police conduct is visually presented, edited, and disseminated in formats that are readily consumable by mass audiences.

As an informal overseer, the media operate according to logics fundamentally different from those of formal oversight. Media scrutiny does not evaluate police conduct through adherence to standard operating procedures or legal proportionality, but through visual salience, conflict intensity, and dramatic potential capable of eliciting audience engagement. Reality police shows intensify this logic by presenting policing as a sequence of scenes detached from the full procedural context in which decisions are made. Public audiences are therefore not only exposed to police action, but are also implicitly trained to evaluate policing through symbolic criteria produced by media representation, such as visual assertiveness, emotional expression, and rapid conflict resolution.

The dominance of media-based oversight is further amplified by digital ecosystems that enable fragmentation and extensive recirculation of televised content. Specific visual excerpts, often those perceived as controversial or confrontational, become central objects of public discourse on social media platforms. Through this process, the meaning of police action is no longer governed by official institutional narratives, but is negotiated, simplified, and at times distorted through emotional reactions, moral judgments, and rapid commentary. Public oversight thus unfolds in synoptic and participatory forms, as collective judgments emerge without prior verification or formal clarification.

Within the framework of multilayered accountability, these findings indicate that media do not merely supplement formal oversight, but frequently function as the primary arena for the production of symbolic accountability. Public evaluations of policing are often formed first within the media sphere, while formal oversight mechanisms are compelled to operate under conditions in which perceptions of legitimacy have already been shaped by visual framing. This asymmetry helps explain why institutional responses by Polri are frequently oriented toward managing reputational crises rather than reinforcing substantive accountability processes operating in parallel.

The findings also reveal that the dominance of media as an informal overseer does not necessarily generate stronger or more substantive accountability. Media-based scrutiny tends to operate through logics of simplification and personalization, reducing the complexity of on-the-ground police decision-making to binary moral assessments of “right–wrong” or “acceptable–unacceptable” grounded in visual perception. In certain instances, police actions that are procedurally lawful and proportionate are perceived negatively because they diverge from public symbolic expectations, while actions that appear visually “humanistic” or

“decisive” gain symbolic legitimacy despite being procedurally problematic.

From the perspective of the media field, this dominance can be understood as the ascendancy of media-based symbolic power in defining the meaning of policing. Media possess the capacity to convert operational events into moralized and emotionally charged symbols, while the police, through institutional actors such as the Public Relations Division (Divhumas), often occupy a non-dominant position within this field. The absence of systematic post-production coordination and weak institutional control over representation limits the police's ability to intervene once framing has already circulated widely. As a result, police legitimacy becomes increasingly dependent on symbolic recognition within media arenas rather than on formal accountability mechanisms alone.

Taken together, the findings in this section confirm that media have emerged as a dominant informal overseer within the contemporary policing oversight regime. This dominance not only displaces the relative position of formal oversight but also reshapes how accountability itself is understood and enacted. In the context of reality police shows, the media do not simply depict policing practices; they actively participate in defining the standards through which police actions are publicly judged as legitimate, professional, and socially acceptable.

Dual Accountability and the Structural Dilemma of Divhumas Polri

The findings indicate that the combination of reactive formal oversight and the dominance of media as an informal overseer produces a condition of dual accountability for the Indonesian National Police. Within this configuration, Polri and particularly its Public Relations Division (Divhumas) is required to account for policing actions simultaneously to two accountability regimes governed by distinct and often incompatible logics. On the one hand, Polri remains bound to formal accountability rooted in law, internal procedures, and organizational hierarchy. On the other hand, it is increasingly subject to symbolic accountability constructed through media representation and public opinion, which evaluates police conduct primarily through visual framing and emotional resonance.

This dual accountability generates a structural dilemma that is neither incidental nor easily resolved. Divhumas Polri, as the institutional actor mandated to manage public communication, occupies a liminal position between legal–bureaucratic logic and media logic. Within the formal governance framework, Divhumas is expected to steward institutional representation in ways that support substantive accountability and professional policing. In practice, however, Divhumas is simultaneously compelled to respond rapidly to shifting public sentiment circulating through media and digital platforms, often in situations in which the meaning of police action has already been framed through selective visuals and narratives beyond institutional control.

Empirical findings show that this dilemma frequently pushes Divhumas toward communication strategies that are defensive and reactive. Institutional responses tend to prioritize the containment of controversy and the restoration of organizational image following legitimacy crises, rather than the preventive and strategic management of police representation. In the context of reality police shows, this condition is exacerbated by the absence of systematic post-production evaluation mechanisms. As a result, Divhumas often confronts representations that have already circulated widely without possessing adequate institutional leverage to intervene or recalibrate their framing.

From the perspective of the media field, the position of Divhumas Polri can be understood as that of an institutional actor endowed with state-derived symbolic capital that nevertheless lacks dominance in the arena of meaning production. Media organizations possess symbolic power to determine framing, visual selection,

and narrative emphasis, while Divhumas operates within a slower, procedurally constrained institutional logic. This imbalance explains why official clarifications or explanatory statements frequently fail to match the speed, reach, and effective impact of visual representations that have already shaped public perception.

Dual accountability also exerts tangible effects on policing practices at the operational level. Police personnel appearing in reality police shows or captured in incidents later circulated on social media are subjected to pressures to act not only in accordance with standard operating procedures, but also in ways that align with public visual expectations. The findings suggest that such conditions may encourage performative orientations in police conduct, in which considerations of how an action will appear on screen become as salient as, or even more salient than, procedural and professional considerations. Over time, this dynamic risks shifting the locus of accountability from the substantive enforcement of law toward the management of public perception. Conceptually, the findings in this section underscore that dual accountability is not merely a matter of public communication, but a fundamental issue of policing governance. When formal and symbolic accountability regimes are not managed in an integrated manner, Polri faces the risk of fragmented responsibility, in which success in one arena does not translate into legitimacy in another. In this context, Divhumas Polri confronts a structural dilemma: it is tasked with safeguarding symbolic legitimacy within media arenas while simultaneously ensuring that public communication does not obscure substantive accountability and professional standards.

This section completes the presentation of the article's core findings. Police accountability in an era of mediated visibility can no longer be understood as a singular relationship between institutions and formal oversight mechanisms, but as a complex configuration involving multiple oversight arenas governed by competing logics. The following section synthesizes these findings and discusses their implications for policing governance, offering a conceptual reflection on the need for more strategic and coordinated management of visibility and accountability.

Police Accountability in the Media Arena

The findings of this study indicate that the transformation of police oversight in Indonesia is not primarily defined by a simple increase in the number of oversight actors, but by a reorganization of the relational arena through which accountability is produced, contested, and evaluated. As illustrated in Figure 1, police accountability in the context of reality police shows unfolds through a mediated circuit involving four interconnected actors: police, media, audience, and regulator. Within this circuit, media occupy a pivotal position. They do not merely transmit police action to the public; they mediate visibility, shape interpretive frames, and connect formal oversight, public evaluation, and institutional response. This configuration helps explain why contemporary policing increasingly operates within a multilayered and asymmetrical accountability regime, in which legitimacy is no longer produced exclusively through formal institutional mechanisms but through interactions across multiple arenas of scrutiny.

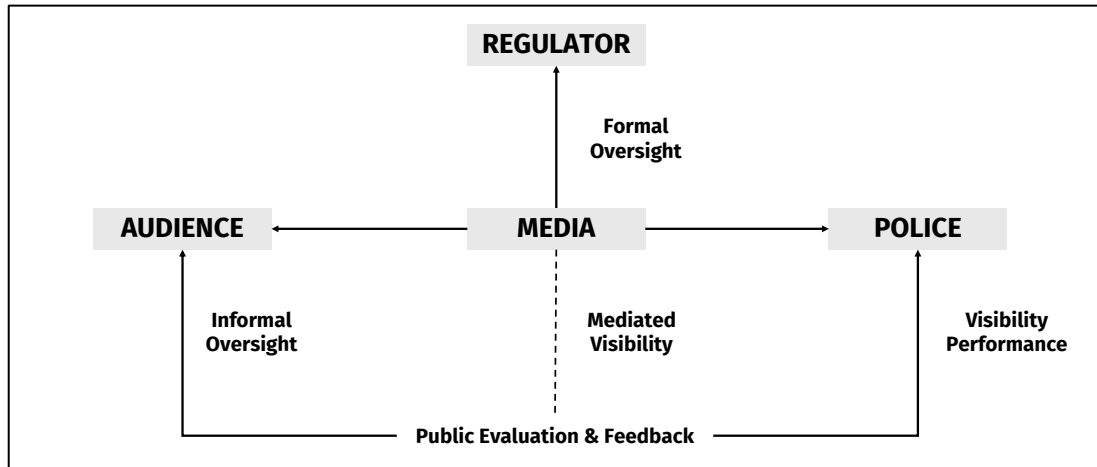


Figure 1: Police Accountability in the Media Arena

Within classical models of accountability, police legitimacy is generated through compliance with law, standard operating procedures, and structured oversight mechanisms. The findings presented here, however, suggest that these mechanisms no longer constitute the principal arena in which police legitimacy is formed in the eyes of the public. In the mediated environment of reality police shows, police conduct enters the public domain through a process of mediated visibility, in which images, editing choices, and narrative construction shape how actions are seen before they are formally assessed. Accountability, in this setting, is increasingly conditioned by symbolic interpretation rather than by institutional review alone. The center of gravity thus shifts from formal adjudication to public reception, rendering police legitimacy dependent not only on what officers do, but also on how those actions are represented, circulated, and emotionally received.

The diagram clarifies that this mediated circuit is not linear, but recursive. Police perform visibility through media participation; media transform that visibility into publicly consumable narratives; audiences respond through evaluation and feedback; and regulators remain positioned above this interaction through the logic of formal oversight. This structure reveals why accountability under media conditions cannot be understood as a single-directional process. It is instead produced through the interaction of formal oversight, mediated representation, and public response. The regulator may still embody legal and procedural authority, yet media often exercise greater influence over the timing, framing, and intensity of legitimacy judgments. Public evaluation, therefore, develops not after institutional review, but alongside and often before it.

This discussion reinforces the argument that multilayered accountability should not be conflated with stronger accountability. When multiple layers of oversight operate according to divergent logics and without adequate coordination, accountability risks fragmentation rather than reinforcement. Figure 1 captures this divergence clearly: formal oversight flows vertically through regulatory authority, while informal oversight emerges horizontally through the audience's response to media representation. These two modes of scrutiny are interconnected, yet they do not function with equal speed, authority, or symbolic force. Formal oversight retains normative legitimacy, but loses influence over public perception because it operates more slowly and with less resonance than media-based scrutiny. Under such conditions, accountability becomes unevenly distributed across institutions, representations, and publics.

From the perspective of Pierre Bourdieu's field theory, the diagram may also be read as a map of unequal positions within the media field. Although Polri, particularly Divhumas Polri, possesses state-derived symbolic capital in the form of legal authority and formal legitimacy, such capital does not automatically translate into dominance over meaning production. Media occupy the central nodal position in the figure

because they possess the capacity to select, amplify, and narrate what becomes publicly visible. Audiences, in turn, do not merely receive information passively; they participate in the process of informal oversight by evaluating, recirculating, and reacting to mediated police conduct. When Divhumas Polri lacks the strategic capacity to manage its institutional position within this field, the power to define the meaning of policing shifts away from the institution and toward media actors and publics. The problem, therefore, is not simply one of communication weakness, but one of institutional disadvantage within the symbolic economy of mediated visibility.

The diagram also sharpens the discussion of dual accountability. Police institutions are accountable upward to regulators and internal structures through formal oversight, but simultaneously accountable outward to media audiences through public visibility and symbolic judgment. This dual structure places Divhumas Polri in a particularly difficult position. As the institutional actor responsible for public communication, it must manage visibility performance on behalf of the police while also responding to public evaluation and feedback generated outside formal organizational control. In such conditions, the task of Divhumas is not limited to disseminating information; it must also navigate the gap between procedural legitimacy and symbolic legitimacy. This is the structural dilemma identified throughout the findings: police institutions are expected to remain procedurally correct while also being symbolically persuasive in a media environment they do not fully control.

The implications for police professionalism are substantial. Once visibility performance becomes central to institutional legitimacy, police personnel may come under pressure to act not only in accordance with legal and professional standards, but also in ways that satisfy public visual expectations. In the context of reality police shows, this may foster performative orientations in policing, whereby the appearance of decisiveness, humanity, or control becomes as important as procedural propriety. The danger here is not simply simplification, but displacement: the standards through which police action is judged may shift from substantive accountability to symbolic approval. Figure 2 captures this displacement by showing how audience feedback loops back into the media-police relationship, turning public response into a quasi-regulatory force in its own right.

Conceptually, this discussion suggests that reality police shows should not be understood as the sole source of accountability problems, but as a catalyst that accelerates and makes visible pre-existing tensions within policing governance. The figure demonstrates that mediated policing operates through a dynamic interplay among institutional authority, media logic, public judgment, and regulatory oversight. The central challenge facing Polri, therefore, is not whether media participation should be rejected outright, but how to develop an institutional framework for governing visibility in a way that better aligns formal accountability with symbolic legitimacy. Without such a framework, mediated visibility is likely to deepen fragmentation, intensify defensive communication, and increase the institution's dependence on external recognition.

In this research, the article leverages Police Science by showing that police accountability in an era of mediated visibility must be understood as a cross-arena governance issue. Accountability can no longer be treated solely as an internal organizational matter or as a function of state-based external oversight. It must instead be conceptualized as a social process produced through the interactions among police institutions, media actors, audiences, and regulators. Figure 1 makes this point explicit by visualizing accountability as a relational circuit rather than a fixed institutional chain. Without conceptual and institutional arrangements capable of governing this circuit, increased visibility may weaken police professionalism and institutional legitimacy over the long term rather than strengthen them.

CONCLUSION

Police accountability is no longer produced primarily through formal oversight mechanisms grounded in law and procedure, but is increasingly shaped by visual representation and public judgment constructed through media. Within this configuration, formal oversight retains normative authority, yet lags behind media-based informal scrutiny in terms of speed, visibility, and symbolic influence. Formal oversight tends to activate after media controversies have already escalated, while media and digitally networked publics have pre-emptively shaped legitimacy perceptions through visual framing. This condition places Polri in a situation of dual accountability, where substantive, law-based responsibility must coexist with demands for symbolic legitimacy produced in media arenas.

Within this context, Divhumas Polri emerges as a key institutional actor positioned at the intersection of legal logic and media logic. However, the findings show that Divhumas has yet to occupy a fully strategic position within the arena of media representation. The absence of systematic post-production evaluation mechanisms, weak coordination with media organizations, and a predominantly reactive communication approach have shifted control over the meaning of policing toward media actors and audiences. As a result, police legitimacy increasingly depends on symbolic recognition in the public sphere rather than solely on substantive performance and formal accountability processes.

Accountability can no longer be conceptualized as a singular relationship between policing organizations and formal oversight bodies, but as a complex configuration involving struggles over meaning, visibility, and symbolic legitimacy. Increased visibility does not automatically strengthen accountability; under certain conditions, it may undermine police professionalism if not governed strategically. Polri should develop a comprehensive framework for managing police visibility and representation as part of its institutional accountability system, rather than treating media engagement solely as a public communication function. Such a framework should include ethical standards for representation, clear criteria for selecting personnel who appear in media programs, and structured training on communication competence and the symbolic implications of mediated exposure.

Divhumas Polri needs to be strengthened as a strategic institutional actor within the media arena. This requires a shift from a predominantly crisis-response orientation toward a preventive and continuous model of representation management. Key measures include the establishment of systematic post-production evaluation mechanisms, closer integration with internal oversight units, and more structured collaboration with media organizations and broadcasting regulators to ensure that police representation remains aligned with professional standards and substantive accountability.

Formal police oversight mechanisms must adapt to the characteristics of media-based scrutiny, which is rapid, participatory, and emotionally driven. This adaptation does not imply compromising legal rigor, but integrating media monitoring and public response analysis into early-warning systems for legitimacy risk. Through such integration, formal oversight can move from a position of continually reacting to public narratives toward a more proactive role in managing the consequences of police representation. Without policy frameworks capable of bridging these accountability regimes, public visibility risks becoming a new source of vulnerability for police professionalism and institutional legitimacy over the long term.

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