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## A Representative National Police Commission in Realizing the Professionalism of the Indonesian National Police

Sri Widayatai<sup>1\*</sup>, Diana Haiti<sup>2</sup>, Rahmida Erliyani<sup>3</sup>, Anang Shophan Tornado<sup>4</sup>

<sup>1</sup> Faculty of Law, Lambung Mangkurat University, Banjarmasin, indonesia, [swiwied24@gmail.com](mailto:swiwied24@gmail.com)

<sup>2</sup> Faculty of Law, Lambung Mangkurat University, Banjarmasin, indonesia, [diana.haiti@ulm.ac.id](mailto:diana.haiti@ulm.ac.id)

<sup>3</sup> Faculty of Law, Lambung Mangkurat University, Banjarmasin, indonesia, [rahmidaerliyani@ulm.ac.id](mailto:rahmidaerliyani@ulm.ac.id)

<sup>4</sup> Faculty of Law, Lambung Mangkurat University, Banjarmasin, indonesia, [anang.tornado@ulm.ac.id](mailto:anang.tornado@ulm.ac.id)

\*Corresponding Author: [swiwied24@gmail.com](mailto:swiwied24@gmail.com)

**Abstract:** The National Police of the Republic of Indonesia (Polri) has a vital constitutional mandate, but the integration of large authorities without strong external oversight creates a risk of abuse of authority and a decline in public trust. This study aims to analyze the nature of the position and juridical limitations of the National Police Commission (Kopolnas) and formulate the urgency of reconstructing the institution so that it becomes representative in realizing the professionalism of the National Police. Using normative legal research methods with a qualitative approach, this study dissects the position of the National Police Commission as a state auxiliary organ through the theory of representative bureaucracy. The findings of the study show that the National Police Commission experiences normative ambiguity and an "authority gap" because its legal basis is only based on Presidential Regulations, so it does not have investigative and executive authority. In addition, the dominance of government elements ex-officio injures independence and creates a conflict of political interests. As a solution, this study concludes the need to transform the legal basis of the National Police Commission into an independent law that provides immunity rights, investigative authority, and integrates the values of local wisdom such as *Siri' Na Pacce* and *Piil Pesenggiri* as moral instruments. This reconstruction is crucial to ensure that the National Police is transformed into a humane, accountable, and trusted institution in the democratic era.

**Keyword:** Kopolnas; Professionalism of the National Police; State Auxiliary Organ; Local Wisdom.

### INTRODUCTION

The National Police of the Republic of Indonesia (Polri) is a vital instrument in Indonesia's constitutional structure which has a constitutional mandate to maintain public security, order, and provide protection, protection, and public services. After the 1998 reform, the separation of the National Police from the military structure through MPR Decree No. VI/MPR/2000 and Law No. 2 of 2002 confirmed a paradigm shift towards democratic *policing*. However, the enormous integration of coercive, administrative, and intelligence authority in a

single centralised institution creates a significant risk of *abuse of power*. As a state tool that is directly responsible to the President, the professionalism of the National Police is the main benchmark for the success of the rule of law, but the reality often shows that there is a gap between the regulatory mandate and the implementation in the field which is still colored by militaristic practices<sup>12</sup>

The urgency of external supervision of the National Police emerged as a response to the decline in public trust due to various cases of violence and maladministration committed by officials. Based on Article 37 paragraph (1) and Article 38 paragraph (2) of Law No. 2 of 2002, the state mandates the establishment of the National Police Commission (Kopolnas) as an external functional supervisory institution. The presence of the National Police Commission is expected to be able to create a balance mechanism (*checks and balances*) to ensure police accountability in the eyes of the public. However, survey data from the Political Indicators show a fluctuation in the level of public trust that continues to erode, from 80% in 2021 to 72.2% in 2025, reflecting public dissatisfaction with the current performance of supervision<sup>3</sup>.

The presence of the National Police Commission is positioned as an *auxiliary state organ* that functions to support the President's duties in determining the policy direction of the National Police. The concept of a representative National Police Commission should include substantive representation from government elements, police experts, and community leaders to absorb public aspirations objectively. However, the current organizational structure of the National Police Commission is considered not to be completely independent. The dominance of government elements in the leadership structure, in which the Coordinating Minister for Political, Legal and Security Affairs serves as the Chairman *ex officio*, creates a paradox in the independence of supervisory institutions. This results in Kopolnas is often perceived by the public as a "spokesperson" for the National Police rather than a critical and authoritative supervisor<sup>4</sup>.

The fundamental weakness of the National Police Commission also lies in its operational juridical basis which is only based on Presidential Regulation Number 17 of 2011, not an independent law. This condition provides limited authority where the National Police Commission only has a consultative or *advisory function* without strong investigative and executive authority. As a result, recommendations given by the National Police Commission to the National Police are often ignored because they do not have legal binding. The power imbalance between internal supervisors (Propam) who have high coercive power and structurally weak external supervisors reinforce the phenomenon of *silent brown code* or paranoid solidarity within the police, which aims to cover up the mistakes of colleagues<sup>5</sup>

In addition to structural barriers, the challenges of the professionalism of the National Police are also rooted in deep cultural problems. Police reform has tended to adopt a Western model without integrating the values of local wisdom that live in Indonesian society. In fact, culture-based moral instruments such as *Siri' Na Pacce* in Makassar or *Piil Pesenggiri* in Lampung have great potential as a control of the behavior of the apparatus. *Siri's values*, which

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<sup>1</sup> S. N. Siregar, (2023). *Reformasi polri: Tantangan dan harapan pengawasan eksternal*. Jurnal Ilmu Kepolisian.

<sup>2</sup> M. Yusuf, (2023). Peran komisi kepolisian nasional dalam penegakan kode etik kepolisian negara republik Indonesia. *Fundamental: Jurnal Ilmiah Hukum*, 12(1), 130–152

<sup>3</sup> Amostian., Yusriyadi, Y., & Silviana, A. (2023). Reformasi polri melalui penguatan fungsi dan kewenangan komisi kepolisian nasional dalam melakukan pengawasan eksternal terhadap polri. *Jurnal Pembangunan Hukum Indonesia*, 5(3), 510–522. <https://doi.org/10.14710/jphi.v5i3.510-522>

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<sup>5</sup> A. Maulana, , & Dewanto, W. (2026). Urgensi reformasi batasan kewenangan kopolnas dalam pengawasan eksternal terhadap anggota polri yang melakukan tindak pidana. *IBLAM Law Review*, 6(1), 125–151. <https://doi.org/10.52249/ilr.v6i1.639>

emphasize shame and self-esteem, can be the foundation of integrity for members of the National Police not to commit despicable acts, while *Piil Pesenggiri* teaches high moral behavior and knows rights and obligations. Without the integration of these values into a representative surveillance system, the reform of the National Police will only touch the administrative aspect without changing the basic character of personnel<sup>67</sup>.

In the context of the 2025-2029 National Police Strategic Plan (Renstra), there is a target to realize a clean and accountable bureaucracy based on information technology. However, the achievement of the professionalism target is difficult to realize if external supervisory institutions such as the National Police Commission are not given regular access in the planning and direct field supervision stage. The lack of synergy between the National Police Commission, the Ombudsman, and the National Commission on Human Rights in dealing with police maladministration has further exacerbated the impunity gap for members of the National Police who violate the law. Structural reform through increasing the legal status of the National Police Commission into law and granting immunity rights for its commissioners is an absolute prerequisite for this institution to have "fangs" in the face of the power of the increasingly *superbody police institution*.

Based on the description above, this study focuses on the urgency of restructuring the National Police Commission to become a truly representative institution with executive authority. The main focus is on how the position of the National Police Commission is legally strengthened and how local wisdom is integrated as a moral instrument in realizing the professionalism of the National Police. This transformation is crucial to ensure that the National Police not only acts as an operator of power, but truly becomes a humanist and accountable protector of society in the democratic era. Therefore, the research entitled "Representative National Police Commission in Realizing the Professionalism of the National Police in Indonesia" is very relevant to unravel the problem of the nature of the position and function of the supervisory institution<sup>8</sup>

The National Police of the Republic of Indonesia (Polri) is a vital instrument in Indonesia's constitutional structure which has a constitutional mandate to maintain public security, order, and provide protection, protection, and public services. After the 1998 reform, the separation of the National Police from the military structure through MPR Decree No. VI/MPR/2000 and Law No. 2 of 2002 confirmed a paradigm shift towards democratic *policing*. However, the enormous integration of coercive, administrative, and intelligence authority in a single centralised institution creates a significant risk of *abuse of power*. As a state tool that is directly responsible to the President, the professionalism of the National Police is the main benchmark for the success of the rule of law, but the reality often shows that there is a gap between the regulatory mandate and the implementation in the field which is still colored by militaristic practices<sup>910</sup>

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<sup>6</sup> Andi Mangeppe Manggabarani, (2024). Sinergitas bela negara dan kearifan lokal siri' untuk sistem pertahanan Indonesia. *Jurnal Pertahanan & Bela Negara*, 14(1), 57–72.

<sup>7</sup> N. R. Rahmi, (2023). *Internalisasi nilai siri' na pacce sebagai instrumen moral aparat penegak hukum*. (Skripsi Sarjana, Universitas Pendidikan Indonesia).

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and direct field supervision stage. The lack of synergy between the National Police Commission, the Ombudsman, and the National Commission on Human Rights in dealing with police maladministration has further exacerbated the impunity gap for members of the National Police who violate the law. Structural reform through increasing the legal status of the National Police Commission into law and granting immunity rights for its commissioners is an absolute prerequisite for this institution to have "fangs" in the face of the power of the increasingly *superbody police institution*.

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## METHOD

This study uses a normative juridical method that aims to analyze the restrictions and supervision of police authority in Indonesia from a legal perspective.<sup>17</sup> This normative juridical method focuses on the analysis of laws and regulations, legal doctrines, and relevant legal literature. This approach is considered appropriate because this study seeks to understand how the law regulates the authority and supervision of the police and how it is implemented in practice. Peter Mahmud Marzuki explained that respectful legal research is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced.<sup>18</sup> Law as a prescriptive analytical science, legal science studies the purpose of law, the values of justice, the validity of legal rules, legal concepts, and legal norms. As an applied science, legal science sets standard procedures, provisions, signs in implementing legal rules.<sup>19</sup> This research was prepared using the "Doctrinal" type of research According to Terry Hutchinson as in his book entitled "*Researching and Writing In law*" defines *Doctrinal Research* as follows:<sup>20</sup>

## RESULTS AND DISCUSSION

### The Essence of the Position and Juridical Limitations of the National Police Commission in the Indonesian Constitutional Structure

The existence of the National Police of the Republic of Indonesia as a single institution that holds the mandate to maintain public security and order and law enforcement has logical consequences for the amount of discretionary authority inherent in each of its personnel in carrying out these constitutional duties. After reform, the paradigm of the Indonesian police underwent a fundamental shift through the separation from the military structure which was later affirmed in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, but the integration of very broad administrative and coercive authority without a

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<sup>16</sup> A. Maulana, & Dewanto, W. Urgensi reformasi batasan kewenangan kompolnas dalam pengawasan eksternal terhadap anggota polri yang melakukan tindak pidana

<sup>17</sup> Suharyanti Asti Oktavia, Cicilia Julyani Tondy, and Amelia Nur Widyanti, "Pembatasan Kriteria Tidak Mampu Yang Wajib Diberikan Jasa Hukum Cuma-Cuma Oleh Notaris Berdasarkan Pasal 37 Undang- Undang Jabatan Notaris," *SENTRI: Jurnal Riset Ilmiah* 2, no. 9 (September 5, 2023): 3548–55, <https://doi.org/10.55681/sentri.v2i9.1499>.

<sup>18</sup> Peter Mahmud Marzuki. 2011. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 35-152

<sup>19</sup> Peter Mahmud Marzuki. 2017. *Penelitian Hukum* : Edisi Revisi. Jakarta : Kencana, 213

<sup>20</sup> Djoni S. Gozali 2021, *Ilmu Hukum dan penelitian Ilmu Hukum*. Yogya : UII Pres, 126

strong balance of external supervision has the potential to give birth to a hegemony of institutional power that is destructive to the principle of the rule of law. The state then formulated the establishment of the National Police Commission as a manifestation of the need for public accountability, in which this institution is conceptually positioned to guarantee the professionalism and independence of police institutions through an objective and transparent functional oversight mechanism. Analysis of the position of the National Police Commission in the constitutional structure shows that this institution is a tangible form of *the state auxiliary organ* or auxiliary state institution born from the womb of the democratization wave to fill the empty space in the supervision of institutions that have "hard" authority such as the police.<sup>21</sup> The National Police Commission was formed to assist the President in setting the policy direction of the National Police and providing strategic considerations, but its juridical basis which only relies on Presidential Regulation Number 17 of 2011 creates an acute "authority gap" compared to other independent supervisory institutions that have an independent legal basis.<sup>22</sup> This results in the National Police Commission losing its constitutional coercive power in dealing with the hierarchical and centralistic structure of the National Police, so that the recommendations produced are often stopped at the administrative level without any real executory implications in the field<sup>23</sup>.

The status of the independent institution of the National Police Commission in Indonesia today based on the results of the research, it can be affirmed that the position of the National Police Commission (Kopolnas) in the Indonesian constitutional system is conceptually subject to normative and institutional ambiguity. On the one hand, Kopolnas is intended as an instrument of external supervision of the National Police in the framework of checks and balances; but on the other hand, the institutional design actually places Kopolnas as part of the executive power cluster that is under and responsible to the President. The position of the National Police Commission as a non-structural state institution is often mired in the ambiguity between functional independence and structural subordination under the executive, which ultimately limits its capacity as a truly independent supervisor. The concept *of state auxiliary organs* itself was developed to support the effectiveness of the *main state organs* in carrying out increasingly complex state functions, but the independence of this kind of institution is highly determined by the degree of autonomy provided through the legal instruments that form it.<sup>24</sup> In Indonesia, the juridical limitations of the National Police Commission are evident when its authority to receive public complaints is only to forward reports without being accompanied by the capacity of pro-justitia investigations as possessed by the National Commission on Human Rights.<sup>25</sup> The inability to make forced efforts or summon witnesses independently makes the National Police Commission highly dependent on the good faith of the National Police in providing clarifications, a condition that normatively puts the supervisor in the position of "information requester" rather than as an "examiner of authority". This condition strengthens the public perception of the phenomenon of the "toothless tiger", where the institution of the National Police Commission appears magnificent in structure but weak in legal infrastructure to break through the wall of internal solidarity of the police which is known

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<sup>21</sup> Sadjjono, (2017), *Hukum Kepolisian di Indonesia: Studi Kekuasaan Dan Rekontruksi Fungsi Polri Dalam Fungsi Pemerintahan*, Laksbang Pressindo, Surabaya, 150

<sup>22</sup> Nurul Huda, (2020), *Hukum Lembaga Negara*, Refika Aditama, Bandung, 56

<sup>23</sup> Amostian, A., Yusriyadi, Y., & Silviana, A., "Reformasi Polri Melalui Penguatan Fungsi Dan Kewenangan Komisi Kepolisian Nasional Dalam Melakukan Pengawasan Eksternal Terhadap Polri," *Jurnal Pembangunan Hukum Indonesia*, 5 no 3 (2023), 510-522

<sup>24</sup> Kelik Iswandi, Nanik Prasetyoningsih, "Kedudukan State Auxiliary Organ dalam Sistem Ketatanegaraan di Indonesia", *Jurnal Penegakan Hukum dan Keadilan*, 1 no 2 (2022), 138-139.

<sup>25</sup> I Putu Satya Dharma, Lalu Parman, Ufran, "Tugas dan Wewenang KOMPOLNAS dalam Pengawasan Fungsional terhadap Kinerja Penyidik POLRI", *Indonesia Berdaya: Journal of Community Engagement*, 4 no 4 (2023), 1287-1296.

to be very closed.<sup>26</sup> The absence of executive authority over the results of supervision has caused many suggestions and considerations of the National Police Commission not to continue with disciplinary actions or significant systemic improvements in the National Police.<sup>27</sup>

An analysis of the normative construction of the National Police Commission reveals that the use of Presidential Regulation as an operational basis is a form of degradation of the dignity of police supervision in a democratic country that upholds the rule of law. In the hierarchy of laws and regulations, the Presidential Regulation is under the Law, so the National Police Commission automatically does not have the capacity to intervene or give binding orders against the National Police whose power is based directly on organic laws.<sup>28</sup> The implication of this limitation is the emergence of power imbalances, where the National Police Commission is often positioned only as a consultative partner or executive "spokesperson" to dampen public criticism rather than as a corrective instrument against the deviations in the professionalism of police officers.<sup>29</sup> This issue is further complicated by the composition of the membership involving *elements of the government on an ex-officio* basis, which theoretically creates a conflict of interest in carrying out the control function of the institution that is also under the control of the government.<sup>30</sup> Therefore, without the reconstruction of the juridical position through the provision of an independent legal mandate that provides limited investigative authority, the National Police Commission will remain trapped in a superficial cycle of administrative supervision without touching the root of the problems of the professionalism and integrity of the National Police in the field.<sup>31</sup>

The position of the National Police Commission in the Indonesian constitutional order after the amendment of the 1945 Constitution reflects the complex dynamic between the need to strengthen the police institution as a state tool that maintains internal security and the urgency of external supervision to prevent power absolutism. As an institution explicitly mentioned in Chapter VI of Law Number 2 of 2002, Kopolnas is supposed to have solid legitimacy, but the choice of lawmakers to submit its detailed arrangements to the Presidential Regulation has created a deliberate structural weakening. This shows that there is an unpreparedness in the design of legal policy to build a truly empowered supervisor in dealing with the National Police which has a power network from the central level to remote villages. The phenomenon of "mute tigers" addressed to the National Police Commission is not just a sociological label, but a juridical reality that stems from the absence of legal instruments to carry out factual verification of reports of irregularities by the authorities. Without the authority to see directly the evidence in the hands of the investigator (Propam), the National Police Commission is only able to provide an assessment based on the narrative that has been prepared by the supervised party, which theoretically harms the principle of objectivity in legal supervision.

The existence of independent state institutions in Indonesia, including Kopolnas, ideally functions as an *instrument of checks and balances* that bridges the interests of the community with state authority. However, the dependence of the National Police Commission

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<sup>26</sup> Edi Saputra Hasibuan, 2021, *Hukum Kepolisian dan Criminal Policy dalam Penegakan Hukum*, PT RajaGrafindo Persada, Depok, 167

<sup>27</sup> Nasrullah, "Tinjauan Terhadap Independensi Komisi Polisi Nasional Dalam Perspektif Lembaga Negara Independen", *Jurnal Unes Law Review*, 5 no 4 (2023), 3581-3592

<sup>28</sup> Ni'matul Huda, 2011, *Hukum Tata Negara Indonesia*, Rajawali Pers, Jakarta, 250

<sup>29</sup> Mochammad Nasser, "Peran Komisi Kepolisian Nasional Dalam Pengawasan Fungsional Polri", *Jurnal Hukum Sasana*, 7 no 1 (2021), 96-116

<sup>30</sup> Aji Maulana, Wisnu Dewanto, "Urgensi reformasi batasan kewenangan kopolnas dalam pengawasan eksternal terhadap anggota polri yang melakukan tindak pidana", *IBLAM Law Review*, 6 no 1 (2026), 125-151

<sup>31</sup> Rahman Amin, Muhammad Fikri Al Aziz, "Penguatan Komisi Kepolisian Nasional Dalam Pengawasan Penyidikan Tindak Pidana Oleh Polri", *Krtha Bhayangkara*, 17 no 1 (2023), 1-26

on the executive structure through the Presidential Regulation instrument has resulted in this institution losing its critical function. When ministers actively sit as leaders of the National Police Commission, the voice of this institution tends to be in line with the government's political policies, which are not necessarily in line with the aspirations of fair law enforcement for the people. This gap in authority results in people often preferring to complain about police violations to other institutions such as the Ombudsman or conducting virality on social media (*trial by social media*) because they think that the National Police Commission does not have the capacity to effectively pressure the National Police. The implications of this limitation are profound, namely the inhibition of the internal police reform process that should be driven by objective external forces, which ultimately prolongs militaristic practices and abuse of authority in the National Police.

Kompolnas should act as an integrity auditor who is able to conduct investigative audits of cases of public concern. However, in reality, the authority to request a re-examination of police members suspected of violating the code of ethics is often ignored or only answered with procedural justifications by the internal National Police. This condition creates a neat circle of impunity, where external control mechanisms only function as cosmetics of democracy without the essence of change. The reconstruction of the juridical position of the National Police Commission through an independent law is an absolute prerequisite for granting immunity rights for commissioners and forced authority in data collection, so that this institution can come out of the shadow as an auxiliary institution and transform into a respected supervisory institution and able to realize true professionalism of the National Police.

The current supervisory system for the National Police of the Republic of Indonesia (Polri) appears to be unequal when analyzed from the perspective of power distribution and public accountability mechanisms. The National Police, with all its authority in conducting investigations, arrests, and the use of firearms, has great potential to violate human rights if not controlled with equal instruments. The National Police Commission, which is supposed to be at the forefront of external supervision, is instead limited by a wall of regulations that spay its fangs. The absence of authority to impose sanctions or at least recommend sanctions that must be implemented, makes the existence of the National Police Commission only as an optional advisor for the National Police Chief. This creates a culture of internal disregard for the criticisms submitted by the National Police Commission, because they realize that the institution does not have strong legal bargaining power in the face of the organic law of the police.

Furthermore, budget and infrastructure limitations at the regional level make Kompolnas unable to reach cases of police violence in remote areas, which are often more brutal due to the lack of public monitoring. Supervision that is only centralized in Jakarta through the mechanism of the administration of correspondence is ineffective in dismantling structured deviant practices. As a *state auxiliary organ*, Kompolnas must be repositioned to have direct access to the National Police's internal complaint system in *real-time*, so that transparency can be realized without having to wait for public reports to come in first. This transformation requires a great political commitment to amend Law No. 2 of 2002 and repeal Presidential Regulation No. 17 of 2011, in order to provide a new foundation for democratic police supervision in Indonesia.

Analysis of modern power-sharing theory shows that independent state institutions such as Kompolnas are an extension of people's sovereignty to control the state's tools of violence. However, if the extension is handcuffed by the rules of the game made by the executive himself, then the essence of the supervision is lost. The public needs an institution that is able to say "no" to policies that are not pro-people, and able to force accountability when legal malpractice occurs. Failure to strengthen the National Police Commission will result in the National Police moving further away from the humanist ideals of the civilian police, and instead strengthen the

character of the state police that only serve the interests of power. Therefore, the strengthening of the National Police Commission is not just an institutional technical problem, but a matter of principle in maintaining the dignity of the Indonesian legal state so that it does not slip into authoritarianism in the clothes of law enforcement.

In the framework of constitutional law, the existence of Kompolnas as an auxiliary state institution should be seen as a vital instrument in maintaining the integrity of police power so that it does not become a "state within a state". However, the current normative construction actually places the National Police Commission as part of a slow and helpless bureaucracy. This can be seen from the process of handling public complaints that must go through a long clarification bureaucracy, where often evidence has been lost or the case has been closed by internal parties before Kompolnas gets access. This limitation gives the impression that Kompolnas is deliberately maintained by the state only to meet the formalities of being a democratic country, without ever being given real power to make changes. In fact, police accountability is the heart of public trust in the government, and Kompolnas is its pulse.

The phenomenon of "toothless tigers" embedded in the National Police Commission also reflects the failure to integrate the external supervision system into the strategic decision-making process in the National Police. Kompolnas is rarely involved in the process of determining sensitive promotion policies or supervision of the Police's very large budget. In fact, supervision of professionalism is not only about individual behavior, but also about how institutions are managed transparently. If the National Police Commission is only given a role downstream (handling complaints after the incident), without ever being given a role upstream (preventing malpractice through policy supervision), then police reform will always run on the spot. It is necessary to expand the mandate that allows the National Police Commission to conduct systemic audits of the National Police on a regular and independent basis.

The main problem faced by the National Police Commission is the very sharp asymmetry of information between supervisors and those supervised. The National Police has full access to intelligence data, case files, and logistics, while the National Police Commission only has what is provided by the National Police. Without the authority to independently search or confiscate documents in the context of supervision, Kompolnas will never be able to uncover the truth behind the thick wall of corps solidarity. This asymmetry must be cut by giving the authority to the National Police Commission to access the internal database of the National Police related to discipline and ethics automatically. Only with this data-based transparency can Kompolnas carry out its performance assessment function accurately and not only based on assumptions or unilateral reports.

Philosophically, the law should be an instrument to limit power that tends to be corrupt. However, if the law that regulates supervision actually limits its own supervisors, then the law has failed to carry out its fundamental functions. The juridical limitations of the National Police Commission are a paradox in the Indonesian legal system, where the institution whose mandate is to enforce accountability does not have the legal tools to carry out the mandate. The sociological implications are the emergence of widespread dissatisfaction and negative sentiment towards law enforcement in general. Therefore, strengthening the National Police Commission is no longer an option, but a constitutional emergency to ensure that the National Police remains on its path as an accountable protector and protector of the community.

As a *state auxiliary organ*, Kompolnas must be able to reflect the values of justice that live in Indonesian society into the institution of the National Police. However, how can these values be channeled if the channel institution itself does not have a voice heard by the police structure? The government's dominance in the National Police Commission also often makes sensitive issues involving the interests of the rulers into a "gray" area that is not touched by supervision. The independence of the National Police Commission must be guaranteed, starting from the selection process of commissioners who are free from political entrustment, to field

operations that cannot be intervened by any party. The future of a professional National Police can only be realized if its supervisors are given enough power to be a true counterbalance in the midst of a massive wave of power from the apparatus.

The authority gap between the National Police Commission and the National Police is not only a matter of differences in legal bases, but also a matter of the culture of legal compliance in Indonesia, which is still highly dependent on sanctions and coercion. In the Indonesian legal system, appeals or suggestions are often looked down upon compared to orders that have a threat of punishment. Because the National Police Commission can only provide advice, psychologically, the leadership of the National Police does not feel that they have a moral or legal obligation to obey it. This is different from the Ombudsman whose recommendations have implications for the assessment of bureaucratic performance and can be published as a red report card. The National Police Commission needs a similar instrument, where the results of supervision can be used as material for evaluating member promotions or at least must be published transparently to the public every year as a form of open accountability.

In conclusion, the essence of the position of the National Police Commission in the current Indonesian constitutional structure is as a "half-hearted" supervisory institution. Regulatively it exists, but substantively it is abolished through the restriction of authority. These juridical limitations have created stagnation in police reform and widened the distance between the National Police and the people. It takes a bold step from the lawmakers to carry out a complete overhaul of the institutional design of the National Police Commission. From an institution that only "helps" to an institution that "independently supervises", from a Presidential Regulation-based institution to a law-based institution, and from an institution that is "toothless" to an institution that has sharp legal "fangs" to ensure that the National Police is truly professional, accountable, and trusted in the eyes of the international world.

An in-depth analysis of the position of the National Police Commission must also consider the relationship between civil and militaristic power that still remains in the National Police. Despite being separated from the TNI, a culture of command and blind loyalty is often a barrier to the entry of civilian oversight. The National Police Commission, as a representative of civilian supervision, should be an instrument to instill democratic values in the midst of the command culture. However, the limited authority makes this "civilization" of the police hampered. If the National Police Commission is given the authority to be actively involved in the supervision of the police education curriculum and recruitment process in a more in-depth and binding manner, then the character of the National Police in the future can be formed to be more in line with human rights values and excellent public service.

The integration of local wisdom such as *Siri' Na Pacce* or *Piil Pesenggiri* into the supervision mechanism carried out by the National Police Commission can also be an alternative to overcome the formal legal impasse. These moral values can be used as a standard of behavior monitored by the National Police Commission, where police members who violate the honorary values of the local community not only receive administrative sanctions, but also social sanctions recommended by the National Police Commission. This will strengthen the emotional connection between the police and the local community. However, once again, this kind of innovation requires juridical courage to expand the definition of "functional supervision" which has been interpreted very narrowly by Presidential Regulation No. 17 of 2011.

The problem of this "authority gap" if allowed to continue will weaken the joints of democracy in Indonesia. The National Police without effective external supervision can easily fall into the practice of corruption, violence, and systemic abuse of authority. Kompolnas is the last hope for civil society to have control over the most powerful law enforcement institutions in the country. Therefore, the struggle to strengthen the National Police Commission is a

struggle to save the future of Indonesian democracy itself. Any current juridical limitations must be seen as a challenge that must be resolved immediately through progressive regulatory reform that is in favor of justice for all Indonesian people.

In the structure of Indonesian constitution, Kompolnas occupies a unique position as a non-structural state institution that is directly under the President. However, this position is often mistaken for complete subordination, so that the National Police Commission does not dare to take a sufficient distance from the President's policy related to the National Police. The independence of the supervisory institution should go beyond a certain presidential term, so that supervision is sustainable and objective. By strengthening its legal basis, Kompolnas can have a fixed term of office and cannot be dismissed at any time by the president without a clear legal reason, as applies to KPK commissioners or Ombudsman. This will provide a sense of security and autonomy for the commissioner to carry out his duties without political pressure.

The strengthening of Kompolnas is an investment in the future of clean law enforcement in Indonesia. With a strong supervisory institution, every member of the National Police will think twice before committing a violation, because they know that there are institutions outside of their institution that have a sharp eye and strong fangs to crack down on any irregularities. The professionalism of the National Police will never be born from mere appeals, but from a supervisory system that forces each individual to submit to the law and public ethics. A strong National Police Commission is a guarantee that the National Police will remain a true protector, protector, and servant of the community, not a source of fear for its own people.

The dynamics of Indonesia's state administration show that *auxiliary organs* have a crucial role in perfecting state functions that have not been optimally accommodated by the main institutions. However, in the case of Kompolnas, this crucial role is hampered by a half-hearted regulatory design. Conceptually, the existence of the National Police Commission is a form of "*civilian oversight of the police*", a major pillar in democratic policing. However, if the civilian supervisor is not equipped with a legal instrument equivalent to the one supervised, then the civil supervisor is just a meaningless jargon. Strengthening the National Police Commission through legislation is an urgent step to balance the power relationship.

An international perspective shows that police oversight agencies in many advanced democracies have strong investigative authority, including the ability to conduct independent investigations into cases of police shootings or deaths in custody. Indonesia, as one of the largest democracies in the world, should not be left behind in this police accountability standard. The National Police Commission must be able to act as a guarantor that no one, including police members, is above the law. The transformation of the National Police Commission is an integral part of the big agenda of bureaucratic reform and national law enforcement that must be completed immediately in order to realize a fairer and more civilized Indonesia.

Systematically, the juridical limitations of the National Police Commission also have an impact on the quality of protection of citizens' constitutional rights. When a citizen receives unfair treatment from a police officer, he hopes that Kompolnas can be a channel to get justice. However, if the National Police Commission can only provide non-binding advice, then the hopes of these citizens are often dashed in the middle of the road. This results in a deficit of public trust in state institutions as a whole. Therefore, the strengthening of the National Police Commission is not only for the benefit of the National Police institution, but more importantly to ensure the rights of the community so that they remain protected from abuse of power by state apparatus.

The empowerment of the National Police Commission must also include strengthening preventive functions through supervision of the National Police's strategic policies, such as the education and training system. Professionalism is not only born in the field, but is formed since the period of education at the State Police School. The National Police Commission must have

the authority to evaluate whether police education materials are adequate in terms of understanding human rights, professional ethics, and democratic values. By intervening from the upstream, Kompolnas can help create a new generation of police who are more professional and humane. This certainly requires a stronger legal umbrella than just the current Presidential Regulation.

The integration of local wisdom values in the supervisory system is also a form of legal decolonization, in which Indonesia not only imitates the Western model of supervision, but also absorbs the noble values of its own nation. Siri's values that emphasize the shame of making a mistake can be a much more effective moral control than mere administrative punishment. Kompolnas can use this cultural narrative to touch the hearts of members of the National Police, so that integrity arises from inner awareness, not because of fear of supervisors. However, this moral approach must still be supported by a strict legal system to take action against those who have lost their shame. Strengthening the National Police Commission is the key to uniting legal and moral strength in overseeing the professionalism of the National Police in the future.

The true essence of the National Police Commission is as a "public conscience" placed in the state structure to keep the National Police from going out of its line of service to the people. If the conscience is silenced by legal limitations, then the institution of the National Police will lose its direction. Therefore, let us see the current juridical limitations not as the end of the struggle, but as the starting point for a large-scale reconstruction of the police supervision system in Indonesia. With a strong, independent, and authoritative National Police Commission, we can be optimistic that the National Police will transform into an institution that we are truly proud of as the true protector of the entire Indonesian nation and all Indonesian bloodshed. It should be emphasized that police accountability is a never-ending process. The challenges facing the National Police in the future, ranging from cybercrime to increasingly complex social dynamics, require increasingly intelligent and adaptive supervision. Kompolnas must not only stop at strengthening regulations, but also must increase the capacity of human resources of commissioners and their staff to be able to keep up with the sophistication of supervised institutions. Innovation in information technology-based supervision methods and active public involvement will be the key to success for Kompolnas in the future. With a solid legal foundation, Kompolnas will be able to leap far ahead, realizing the vision of a democratic police that is accountable, transparent, and loved by its people.

This analysis shows that the existence of the National Police Commission in Indonesia's current constitutional structure is still far from ideal. The authority gap created by a weak legal foundation has sterilized the supervisory function that should be the driving force for police reform. The phenomenon of the "toothless tiger" will continue to haunt this institution as long as it is not given independent authority to conduct investigations and executions on the results of its supervision. The reconstruction of the Kompolnas model into an independent state institution based on law is the only way out to ensure the accountability of the National Police in the midst of increasingly severe democratic challenges. Only with strong supervisors, the professionalism of the National Police can be realized substantively, not just administratively.

Police reform must not stop at the structural-instrumental level alone, but must touch the deep cultural realm. Kompolnas has a strategic role to become an agent of cultural change in the police. By giving greater authority to the National Police Commission to supervise the daily behavior of members and provide assessments that have an impact on their careers, the culture of "deviant corps solidarity" can be slowly eroded. Indonesia's future as a democratic country of law depends heavily on how we design our police oversight agencies. An empowered National Police Commission is the key to creating a sense of security and equitable justice for all Indonesian people. Kompolnas has tried to do its best in the midst of all limitations. However, the personal efforts of the commissioners will never be enough if they are not

supported by a strong legal system. We need institutional strengthening that is permanent and systemic. By placing Kompolnas in a position of juridical equality with other independent state institutions, we are sending a strong message to the world that Indonesia is serious about maintaining the dignity of its law enforcement. The professionalism of the National Police is a dead price that cannot be negotiated, and the National Police Commission is the goalkeeper who ensures that the price is maintained with high integrity.

### **Independence and Representation Gap in the Institutional Structure of the National Police Commission**

The National Police Commission (Kompolnas) in the post-reform Indonesian constitutional architecture is normatively designed as a manifestation of *checks and balances* to balance the power of the National Police which is very centralistic. However, juridical-organizational analysis shows that the independence of these institutions is co-opted by a legal construction that places active ministers as *ex-officio* leaders, which theoretically creates an "*ex-officio* politicization" as identified in modern public administration studies of the role of political officials in independent bodies.

Magetti and Gillardi on the independence of the IRAs in Europe, both of which use the concepts of formal independence and de facto independence as their benchmarks. The aspect of formal independence refers to the independence that is reflected in the rules of the formation of an institution, such as its institutional mechanisms and design. State institutions are generally established through laws, so that basic matters such as the mechanism of appointment, dismissal, and organizational management are automatically contained in the regulations for their formation which is the basis for parliament to delegate authority and establish the institution (enabling act).

Furthermore, explained by Magetti, the aspect of informal independence is very important because it is the basis for the implementation of the authority of an independent state institution in the field, as well as the basis for supervision by the parliament. However, the aspect of formal independence is not everything, because there is still a need for a factual analysis of the implementation of this independence in real practice. This then became the basis for informal independence or de facto independence. Legal factors are not determinants, because independence is also interpreted as the extent to which the values and goals of an institution can be translated into real actions without any meaningful intervention.

Herein lies the importance of the division between formal and de facto independence. Formal Independence of the National Police Commission Formal independence is related to the aspect of de jure independence which is institutionalized and reflected in the regulations for the establishment of the National Police Commission, namely Presidential Regulation Number 17 of 2011. Kompolnas is indeed designed to supervise the performance of the police (Article 3 of Presidential Regulation No. 17/2011). However, it seems that this function is difficult to realize considering the controversy since the election of its committee members. Basically, there is no requirement to be able to become a member of the panel, other than that he is purely appointed by the President based on the proposal of the Coordinating Minister for Political Affairs (see Article 29 Paragraph 2 of Presidential Decree No. 17/2011). This reality then raises the question of the extent of the independence of the National Police Commission in supervising the police if since the appointment of the members of the panel has been dominated by the government.

Based on Article 2 of Presidential Regulation Number 17 of 2011, the leadership of Kompolnas consists of the Coordinating Minister for Political and Security Affairs as Chairman, the Minister of Home Affairs as Vice Chairman, and the Minister of Law as a Member, who structurally integrate executive political interests into a supervisory mechanism

that should be impartial<sup>32</sup>. The placement of political actors at the top of the leadership hurts the essence of Kompolnas as a *state auxiliary organ* that ideally has a high degree of autonomy from the intervention of any branch of power so as not to be trapped in a *political conflict of interest*<sup>33</sup>. This construction has sparked sharp criticism because the minister's position as an aide to the president who handles national political stability has the potential to override the objectivity of supervision in order to maintain the image of the government or the solidity of law enforcement officials who are structurally under his control<sup>34</sup>.

An in-depth analysis through the lens of the theory of "Representative *Bureaucracy*" reveals a sharp gap between passive and active representation in the body of the National Police Commission. This theory states that a public institution can be more effective in fighting for the interests of the community if its composition reflects the demographics of the community, but the transformation from passive representation (diversity of members' backgrounds) to active representation (tangible actions defending the public interest) requires strong<sup>35</sup> discretion and independence. In the context of the National Police Commission, the composition of nine members from government elements (3 people), police experts (3 people), and community leaders (3 people) seems descriptive, but the dominance of the ministerial hierarchy results in the votes of the civilian element often being reduced to mere democratic accessories<sup>36</sup>. This is in line with the legal view that justice must not only be done but also seen to be done, but the reality of ministerial leadership creates a deficit of public trust because the National Police Commission is considered to have no courage to take a critical distance from the repressive operational policies of the National Police.

This representation gap is exacerbated by the phenomenon of chronic information asymmetry between the National Police Commission as an external supervisor and the National Police as the object of supervision. As a law enforcement agency with a very closed and hierarchical organizational culture, the National Police has full control over case data and internal procedures, while the National Police Commission does not have the authority to *conduct pro-justitia* investigations to conduct independent<sup>37</sup> audits. As a result, Kompolnas often only acts as a manager of public complaints administration that relies on clarification reports from the internal police themselves, which in international police law doctrine is known as a failure of supervision due to *information monopoly* by the supervised party<sup>38</sup>. This condition creates a vicious circle of impunity in which reports of abuse of authority are only answered with procedural justification without credible independent verification (Andrea M. Headley, "Accountability and Police Use of Force: Interactive Effects Between Minority Representation and Civilian Review Boards," *Public Administration Review*, 81 no 6 (2021), 1073-1084). The weak legal basis of the National Police Commission which only relies on

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<sup>32</sup> Daftar Anggota Kompolnas 2024-2028, Budi Gunawan Jadi Ketua, diakses 15 Maret, 2026, <https://nasional.kompas.com/read/2024/11/05/22163161/daftar-anggota-kompolnas-2024-2028-budi-gunawan-jadi-ketua>

<sup>33</sup> Klasifikasi dan PUU LNS, diakses 15 Maret, 2026, [https://www.setneg.go.id/baca/index/klasifikasi\\_dan\\_puu\\_lns](https://www.setneg.go.id/baca/index/klasifikasi_dan_puu_lns)

<sup>34</sup> Mahfud MD Kritik Kompolnas Tak Bisa Jadi Pegangan Singgung Kasus Ferdy Sambo, diakses 15 Maret, 2026, <https://video.kompas.com/watch/1580066/mahfud-md-kritik-kompolnas-tak-bisa-jadi-pegangan-singgung-kasus-ferdy-sambo>

<sup>35</sup> Souman Hong, "Representative Bureaucracy, Citizen Complaints, and Policing Outcomes," *Journal of Public Administration Research and Theory*, 27 no 2 (2017), 281-296

<sup>36</sup> Jokowi Pilih 9 Nama Pansel Anggota Kompolnas 2024-2028, diakses 15 Maret, 2026, <https://nasional.kompas.com/read/2024/11/06/16310951/jokowi-pilih-9-nama-pansel-anggota-kompolnas-2024-2028-hermawan-sulistyo>

<sup>37</sup> Lyria Bennett Moses, "Oversight of Police Intelligence: A Complex Web, but Is It Enough?," *Osgoode Hall Law Journal*, 60 no 2 (2023), 289-336

<sup>38</sup> Gilad, S., & Dahan, M., "Representative bureaucracy and impartial policing," *Journal of Public Administration Research and Theory*, 31 no 1 (2021), 137-155

Presidential Regulations makes each of its recommendations have no executive force, so that the dignity of this institution is only limited to a "toothless tiger" in the midst of the increasingly *superbody power of the National Police*<sup>39</sup>.

The implementation of the principle of "Representative Bureaucracy" in the National Police Commission should not only stop at the placement of community leaders, but should ensure that they have equal access to strategic information to overcome rigid bureaucratic barriers<sup>40</sup>. Without the right of immunity for the commissioner and the coercive authority to summon witnesses or documents, any attempt at active representation of public figures will always be hit by a wall of internal paranoid solidarity of the police or *a silent brown code* that seeks to cover up the wrongs of colleagues<sup>41</sup>. The juridical implication of this institutional structure that has been flawed since birth is the failure of the state to provide maximum legal protection for citizens who are victims of arbitrary actions by the authorities<sup>42</sup>. Therefore, a fundamental transformation is needed towards a model of Kompolnas that is financially and structurally independent, regardless of the position of the cabinet, in order to become an authoritative institution in ensuring accountability and encouraging the professionalism of the National Police that is truly humane in the democratic era.

This imbalance in power relations is even more evident when the leadership of the National Police Commission states the need for large budget support for the National Police without being accompanied by demands to strengthen an equal control system, which shows the tendency to play a role as a facilitator of institutional interests rather than strict supervisors<sup>43</sup>, this situation is categorized as *regulatory capture*, where the supervisory institution actually supports the interests of the parties it supervises (Sadjijono. 2017, Police Law in Indonesia: A Study of the Power and Reconstruction of the Functions of the National Police in Government Functions, Laksbang Pressindo, Surabaya, 150). This phenomenon hurts the democratic legitimacy of the National Police Commission and hinders public participation in monitoring police performance, considering that the public feels useless in reporting to institutions whose performance only depends on the official narrative of the police<sup>44</sup> (). This failure of substantive representation creates a wide communication gap between the bureaucratic elite and public unrest at the grassroots level, so that information asymmetry does not only occur at the technical level of the case but also at the level of understanding of the values of justice that the community wants. Normative reconstruction through independent laws is an absolute solution to give "teeth" to the National Police Commission in order to be able to dissect the chaos of police professionalism independently, objectively, and based on legal interests that are higher than just momentary political interests<sup>45</sup>.

The probability of independently becoming a police supervisor is minimal when the independence of the National Police Commission has been seized since the election of panel members. Maximum supervision of the performance of the police, which is currently in the

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<sup>39</sup> Amostian, A., Yusriyadi, Y., & Silviana, A., "Reformasi Polri Melalui Penguatan Fungsi Dan Kewenangan Komisi Kepolisian Nasional Dalam Melakukan Pengawasan Eksternal Terhadap Polri,"

<sup>40</sup> Vora, M., Shekhar, P., & Gulpham, S., "Police Accountability and Public Trust through Transparency and Community Collaboration," *International Journal of Advanced Research*, 12 no 8 (2024), 938-948

<sup>41</sup> Mchopa, A., et al., "Oversight mechanisms and public accountability in an emerging economy," *International Security*, 15 no 2 (2024), 1-13

<sup>42</sup> Aji Maulana, Wisnu Dewanto, "Urgensi reformasi batasan kewenangan kompolnas dalam pengawasan eksternal terhadap anggota polri yang melakukan tindak pidana

<sup>43</sup> Kompolnas Akan Benahi Organisasi hingga Modernisasi Pengawasan terhadap Polri, diakses 15 Maret, 2026, <https://nasional.kompas.com/read/2024/11/11/17170911/kompolnas-akan-benahi-organisasi-hingga-modernisasi-pengawasan-terhadap>

<sup>44</sup> Kompolnas Awards 2025: Evidence INP Not Afraid of Criticism, diakses 15 Maret, 2026, <https://inp.polri.go.id/artikel/kompolnas-awards-2025-evidence-inp-not-afraid-of-criticism-inp-chief>

<sup>45</sup> Nicholson-Crotty, S., et al., "Will More Black Cops Matter? Officer Race and Lethal Force," *Public Administration Review*, 77 no 4 (2017), 534-541

public spotlight related to a number of actual cases or issues, will only become floating. The essence of the position and purpose of the National Police Commission in carrying out its duties is relevant to the legal principle of check and balance (mutual supervision and balance) or becoming an institutional balancer through the authority to supervise and secure police personnel is given to the commission, so that the National Police in the future is expected to be professional, independent and accountable

This sub-chapter will dissect criticism of *ex-officio* leadership by ministers and how it creates a conflict of political interest. The analysis will use the theory of "*Representative Bureaucracy*" to see the extent to which the current composition of the National Police Commission is really able to absorb public aspirations and overcome information asymmetry towards the very centralistic institution of the National Police.

### **Reconstruction of the Kompolnas Model: Transformation of Authority and Integration of Local Wisdom as an Instrument of Professionalism**

The implementation of police functions in a democratic legal state requires an independent, authoritative, and representative control mechanism to ensure accountability for every discretionary action of the authorities. The National Police Commission must immediately carry out institutional transformation through the reconstruction of the juridical basis of the Presidential Regulation into an independent Law on the National Police Commission so that it has constitutional legitimacy on par with other independent supervisory institutions. Lawmakers need to formulate a new design that provides limited investigative authority and executive coercion so that the recommendations produced by the commission must be implemented by the National Police Chief with clear legal consequences in the event of abandonment. This transformation of authority should include the abolition of *ex-officio* positions by ministers to mitigate the risk of conflicts of political interest and ensure the collective independence of commissioners in exercising functional oversight of highly centralised police institutions.

The success of the institutional reconstruction of the National Police Commission is highly dependent on the granting of immunity rights for commissioners to protect them from potential criminalization and physical and psychological intimidation when carrying out investigative tasks on sensitive cases in the field. A representative National Police Commission must be able to absorb public unrest through strengthening the complaint handling function that is integrated with *real-time access to the National Police's internal database*, so that the transparency of the investigation process can be monitored without the obstacles of information asymmetry that has been sterilizing the supervisory function. It is also necessary to reorganize the organizational structure by expanding the representation of community leaders who have high moral integrity through a transparent selection mechanism and a feasibility test in parliament to rebuild public trust that had been eroded by various ethical scandals in the police body.

The professionalism of the National Police in the modern era is not enough to be measured only through technical-administrative standards, but must be supported by moral capital rooted in local wisdom values such as *Siri' Na Pacce* and *Piil Pesenggiri*. The value of *Siri' Na Pacce* which emphasizes shame and self-esteem can be internalized as an internal behavior control for every member of the National Police in order to always maintain the honor of the institution and avoid despicable acts that can tarnish the dignity of the family and the country. The integration of *Piil Pesenggiri's* philosophy that teaches high moral behavior, hospitality (*Nemui Nyimah*), and the spirit of mutual cooperation (*Sakai Sambayan*) will transform the police into humanist and proactive figures in serving the needs of the community substantively. The use of local wisdom as an instrument of moral supervision is a form of legal decolonization that will strengthen the emotional relationship between the police and the

people, so as to create a law enforcement ecosystem that is not only procedurally fair but also culturally civilized.

The reconstruction of the Kompolnas model through an independent law must also regulate the independence of the budget that is managed autonomously to ensure operational freedom in conducting performance audits and investigative audits of human resource management within the National Police. Kompolnas in the future must have the authority to be actively involved in the strategic planning process and upstream supervision, such as the recruitment of members and the preparation of police education curriculum, so that human rights values and local wisdom can be embedded from an early age in the hearts of every personnel. With strengthened authority and strong integration of moral capital, Kompolnas will transform into a respected supervisory institution that is able to realize the National Police as an accountable protector, protector, and public servant in the eyes of the international world. The juridical courage to change this institutional design is an absolute prerequisite for the sustainability of Indonesian democracy in order to prevent the absolutism of power by the instrument of the armed state in the midst of the dynamics of increasingly complex global security challenges.

In order to sharpen the analytical knife of this reconstruction issue, it is important to examine how socio-cultural values can be more effective behavioral controllers than the threat of formal sanctions. Legal analysis shows that laws that rely solely on coercion often fail to change the basic character of police personnel if they are not accompanied by a deep ethical awareness<sup>46</sup>. The integration of *Siri'* values into the police code of ethics will create a *shame-based social control* mechanism where shame is the strongest internal brake for members of the National Police not to commit corrupt acts<sup>47</sup>. This noble moral awareness is the basis of human self-esteem which in the context of the police will manifest in humanistic professionalism and high integrity<sup>48</sup>.

The transformation of the authority of the National Police Commission also requires alignment with the integrated criminal justice system so that there is no overlap of authority with other law enforcement agencies<sup>49</sup>. This strengthening should be seen as an "ethnopedagogical" effort in the police bureaucracy, where the values of local wisdom are used as the main learning source to form a healthier and more transparent organizational sociology<sup>50</sup>. Thus, the reconstruction of the Kompolnas model offered is not just a structural change, but a mental revolution that combines the power of positive law with the moral power of local wisdom for the realization of a civil police that is truly loved by the Indonesian people.

If the reconstruction agenda of the National Police Commission through an independent law is not immediately realized, then the law enforcement system in Indonesia will continue to be trapped in an acute crisis of public trust. Juridically, the existence of the National Police Commission as a "hollow" auxiliary state institution results in a degradation of the dignity of police supervision in a democratic country. Without the authority to conduct factual verification of reports of abuse of the authorities, the principle of objectivity in legal

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<sup>46</sup> Baren Sipayung, "Rekonstruksi Penghentian Penuntutan Berbasis Kepentingan Hukum dalam Kerangka Diskresi dan Manajemen Risiko Sistem Peradilan Pidana," *Indonesian Journal of Law and Justice*, 2 no 2 (2025), 74-83

<sup>47</sup> Ghaliyah Nimassita Triseptya, "SIRI' NA PACCE SEBAGAI ETIKA LOKAL DALAM PRAKTIK TANGGUNG JAWAB SOSIAL PERUSAHAAN (CSR)," *Jurnal PenKoMi : Kajian Pendidikan dan Ekonomi*, 8 no 2 (2025), 135-141.

<sup>48</sup> Ardhy, A. A. S., "Relevansi Siri' na Pacce sebagai Warisan Budaya Bugis-Makassar dengan Nilai-nilai Qur'ani di Era Modern," *Besari: Journal of Social and Cultural Studies*, 2 no 1 (2024), 61-78

<sup>49</sup> Hangrengga Berlian, "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia," *Jurnal IUS Kajian Hukum dan Keadilan*, 13 no 1 (2025), 1-15

<sup>50</sup> Siti Komariah, "Etnopedagogik: Nilai-nilai Kearifan Lokal Pada Rampak Genteng Sebagai Sumber Pembelajaran Sosiologi," *Sosietas: Jurnal Pendidikan Sosiologi*, 14 no 1 (2024), 79-85

supervision will continue to be harmed, ultimately prolonging systemic abuse of authority practices. Failure to strengthen the National Police Commission will result in the National Police moving away from the humanist ideals of the civilian police and instead strengthening the character of the state police that only serves the interests of momentary political power.

The sociological implication of weak external oversight is the emergence of widespread dissatisfaction that leads to vigilante actions or apathy towards formal law. The phenomenon *of no viral no justice* on social media is clear evidence of the failure of state institutions in providing effective channels of justice for citizens who are victims of arbitrary actions by the authorities. This condition creates a vicious cycle where people trust social media algorithms more than official complaint mechanisms, which ultimately undermines the integrity of the national criminal justice system as a whole. Therefore, strengthening the National Police Commission through the granting *of pro-justitia* investigation authority and the right to immunity is no longer a policy option, but a constitutional emergency need to maintain national stability and ensure the protection of the constitutional rights of every citizen

To improve the legal conditions in the future, it is recommended that the government immediately repeal Presidential Regulation Number 17 of 2011 and replace it with a comprehensive Law on the National Police Commission. The new law must rigidly regulate operational independence, budget transparency, and the obligation for all members of the National Police to be cooperative with the functional supervision process carried out by the commission. In addition, the integration of local wisdom must be used as the main indicator in the assessment of the professionalism of police members, where violations of local cultural moral values have implications for sanctions equivalent to violations of formal discipline. The future of a professional, independent, and accountable National Police can only be realized if its external supervisors are given enough power to be a true counterbalance in the midst of a massive wave of power by the apparatus.

To realize an ideal police surveillance system, a systemic and sustainable reform roadmap is needed. The first step is to immediately include the National Police Commission Bill in the priority of legislation to provide a solid and independent legal foundation. In the law, Kopolnas must be repositioned as an independent state institution separate from the ministerial structure, with a fixed term of office for commissioners and protected from political intervention. The recruitment mechanism for commissioners must be carried out through an independent selection committee and involves a feasibility test in the House of Representatives to ensure the integrity and competence of the selected figures.

Second, the expansion of the authority of the National Police Commission must include the capacity to conduct systemic audits and investigative audits of all aspects of the management of the National Police, from budget planning to promotion of positions. Kopolnas must be given direct access to the investigation information system (*e-Investigation*) to monitor the development of cases transparently and prevent the practice of "refrigerators" against public reports. Third, synergy between Kopolnas, Ombudsman, and Komnas HAM must be strengthened through a memorandum of understanding that facilitates data exchange and joint investigations for cases of gross violations involving officials

By uniting positive legal forces through independent laws and moral power through local wisdom, we can be optimistic that the National Police will transform into a truly professional, accountable, and trusted institution as a true protector of the entire Indonesian nation. The future of Indonesia's rule of law depends heavily on our courage to carry out a major reconstruction of the police surveillance system in order to achieve substantive justice for all Indonesians.

## CONCLUSION

Based on the results of the research, it can be affirmed that the position of the National Police Commission (Kopolnas) in the Indonesian constitutional system is conceptually subject to normative and institutional ambiguity. On the one hand, Kopolnas is intended as an instrument of external supervision of the National Police in the framework of checks and balances; but on the other hand, the institutional design actually places Kopolnas as part of the executive power cluster that is under and responsible to the President. The consequence of the design is a reduction in the meaning of external supervision itself. Kopolnas does not have an adequate institutional distance from the object being supervised, so the control functions carried out tend to be administrative and consultative, not substantive and corrective. Kopolnas is currently trapped in normative ambiguity as a "lacking" state auxiliary organ because its juridical basis only relies on Presidential Regulation Number 17 of 2011, not an independent law. This creates an acute authority gap where the National Police Commission does not have *pro-justitia* investigative authority or executive coercion, so the recommendations produced are often ignored by the National Police. Theoretically, the dominance of *the government element ex-officio* in the leadership structure injures the essence of the independence of the supervisory institution and creates a conflict of political interests. In practical terms, this condition results in external supervision only touching the administrative aspect without being able to change the basic character of personnel or dismantle the remaining militaristic culture. Therefore, this research makes an important contribution in the form of a representative reconstruction of the National Police Commission model to ensure the accountability of the National Police as the vanguard of the state of law. Therefore, it can be concluded that in the current constitutional configuration, the National Police Commission does not have a strong position as an autonomous external supervisory institution, so it requires a more firm and independent institutional repositioning in order to be able to carry out the checks and balances function optimally against the National Police. As a strategic step, this study recommends the transformation of the legal basis of the National Police Commission into a law that includes the right to immunity for commissioners and access to internal data of the National Police in *real-time*. In addition, the integration of local wisdom values such as *Siri' Na Pacce* and *Piil Pesenggiri* must be used as instruments of moral control to decolonize the law and form a more humane sociology of police organizations

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