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POLEMICAL ANALYSIS OF THE IMPLEMENTATION OF THE POLICE LAW IN INDONESIA FROM A LEGAL AND SOCIAL PERSPECTIVE

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Abtract
Through Presidential Instruction (Inpres) No. 2 of 1999 on Policy Steps in the Context of Separating the Police and ABRI. This Inpres was strengthened by the issuance of the People's Consultative Assembly Decree (Tap.MPR) No. IV/MPR-RI/2000 on the Separation of the TNI and Polri. The separation of these two institutions placed the TNI under the Ministry of Defense and the Polri directly under the President. This separation contained political consequences in the restructuring of these two institutions in accordance with their roles and functions. As stipulated in the provisions of Law No. 2 of 2002 concerning the Polri, it is clearly stated that the main duties of the Polri are to uphold the law, protect, support, and guide the community, especially in the context of compliance with and adherence to applicable law. This research aims to analyze the polemics surrounding the implementation of the Police Law from a legal and social perspective. The research method used is a normative juridical approach. Based on the research findings and discussion, it shows that the implementation of Law No. 2 of 2002 concerning the Indonesian National Police, viewed from a legal perspective, has a clear foundation, but the implementation of the Police Law towards justice in society is not yet fully optimal. Therefore, it is necessary to improve morality and strict codes of ethics for Polri performance.
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A. Introduction

The establishment of the police force in Indonesia has a long history, and the police in Indonesia are not free from the influence of the Dutch and Japanese governments. In the era of Dutch colonial rule, the government developed the Dutch East Indies police into a modern, educated force, with only selected native sons becoming police members. The Dutch East Indies government established the police for various interests. The police were not limited to enforcing government regulations in society. There are also police officers tasked with forest protection, commonly known as special forestry police, and those who serve the community of train users, known as railroad police.[1]

At the beginning of its establishment, the police were tasked with protecting the interests of white Europeans who invested capital in the Dutch East Indies. The Dutch policy of

[1] Abdul Haris F. *Sejarah Polri dan Citra Polisi di Indonesia Selepas Reformasi*. Jawa Timur: Uwais Inspirasi Indonesia, 2023. Hlm 5-6.

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implementing the Open Door Policy led many rulers from various countries to come to the Dutch East Indies to invest capital for the purpose of protecting the assets and security of white people in the Dutch East Indies. Europeans employed indigenous people as prison guards. In 1867, Europeans in Semarang employed 78 indigenous people as security guards.[2]

The modern police force of Dutch East Indies, established between 1897-1920, was born out of the fear and concern of European rulers toward the people of their colonies. The establishment of the police force was a response to the colonial government's desire to be seen as civilized, but by the early 20th century, it also realized that its legitimacy was being undermined by various uprisings from the indigenous people who were becoming politically aware. The colonial rulers managed the state using violence but at the same time wanted to enjoy the support of the people.[3]

The development of the Dutch East Indies colony after the Open Door Policy, during a time of booming foreign investment and advancements in trade industry, caused social life to become increasingly complex. Many criminal and civil issues arose, prompting the Dutch East Indies government to establish a police force between 1897 and 1920. The establishment of the police force in the Dutch East Indies was the precursor to the formation of the Indonesian National Police after Indonesia's independence.[4]

On August 19, 1945, the National Police Agency was established by the Indonesian Independence Preparatory Committee (PPKI) to realize police education. The indigenous Indonesian employes (Gunseikanbu) who worked in the Japanese government, along with the police and residents (Syucokan), held a meeting to discuss the establishment of the police. At that meeting, they expressed their commitment to serve the newly proclaimed Indonesian government. The structure of the police organization in Indonesia underwent changes, initially the police were directly under the Prime Minister, but since February 4 to July 14, 1949, the national police have been directly under the president and vise presiden.[5]

During the New Order era, the merger of the National Police of Indonesia (Polri) into the Indonesian Armed Forces (ABRI) thru Presidential Decree No. 290/1964 caused several problems for the Polri, namely.[6] The police are in a weak position because they are subordinate to a military institution that fundamentally has a character and function contrary to that of the police as a civilian institution. This results in negative impacts on the performance of the police, such as:

1. The merger of the National Police (Polri) and the Indonesian National Armed Forces (TNI) has implications for the lack of professionalism in Polri due to overlapping roles, duties, and functions of TNI as a defense force with Polri as an internal security and order force under the Armed Forces of the Republic of Indonesia (ABRI).
2. The merger has created a militaristic culture within Polri, which is restrained in the education and management system of Polri, resulting in vulnerability to involvement in legal and human rights violations.
3. Polri has also lost public trust because it acted repressively, violating laws and human rights just like TNI at that time. Thus, efforts are needed to improve these conditions based on

[2] Ibid

[3] https://polri.go.id/sejarah. (Diakses pada tanggal 11 Juli 2024 Pukul 21:52).

[4] *Op. Cit.*, Abdul Haris F. *Sejarah Polri dan Citra Polisi di Indonesia Selepas Reformasi*. Jawa Timur: Uwais Inspirasi Indonesia, 2023. Hlm 8

[5] *Ibid*. hlm 12

[6] Bambang Widodo Umar, *Reformasi Kepolisian Republik Indonesia*, (Panduan Pelatihan Tata Kelola Sektor Keamanan untuk Organisasi Masyarakat Sipil). Jjakatra : IDSPS Press, 2009. Hlm 4.

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democratic norms, namely openness and accountability.[7]

In this era, the performance of the police is also far more problematic professionally. Autonomous rights and the organizational system have been destroyed, the output and performance within the scope of law enforcement have become non- independent, and the hierarchical reach has significantly weakened the Polri infrastructure.

After the fall of the New Order government, Indonesia began to enter a democratic system of governance. The consequence of the democratic system on security sector reform is the establishment of a professional military and police force that is not politically affiliated. Therefore, the restructuring of the National Police (Polri) and the Indonesian National Armed Forces (TNI) institutions began as part of the mandate for reform in the security sector.

The restructuring of the Polri institution began in 1998 when Polri was institutionally separated from the TNI in April 1999, thru Presidential Instruction (Inpres) No. 2 of 1999 on Policy Measures for the Separation of Polri and ABRI. This Inpres was reinforced by the issuance of the People's Consultative Assembly Decree (Tap. MPR) No. IV/MPR-RI/2000 on the Separation of TNI and Polri. The separation of the two institutions placed the TNI under the Department of Defense and the Polri directly under the President. This separation carried political consequences for the restructuring of the two institutions according to their roles and functions.[8]

For the Polri community, structural reform consists of institutional changes in policing within the framework of the state, organization, structure, and position. The structural reform of Polri essentially concerns its position within the government or how Polri is placed.[9] In addition, Law No. 2 of 2002 on the National Police has established the status of the National Police as a non-departmental government institution directly under the president. From an institutional perspective, the implementation of police functions is autonomous and independent. With this status, the National Police (Polri) is expected to build better performance in order to provide maximum service to the community.[10]

At least there are three main driving forces behind the reform of the National Police. The first is democratization followed by political liberalization. As described by Samuel Huntington, since 1970 there has been a third wave of democracy worldwide, including Indonesia. Because of the demands of democracy, the country must make adjustments. Indonesia, which had been controlled by an authoritarian regime for several decades, began to show changes on May 21, 1998, as it started to transition into democracy. Second, the complexity of threats to security. Unlike in the past, the current complexity of security makes it impossible for the National Police to apply its traditional policing paradigm, including militaristic policing. Traditional policing focuses more on the tasks of the police that prioritize law enforcement and are reactive, while militaristic policing is termed repressive.

Third, as a solution, a policing paradigm is needed that better utilizes the resources and potential present in the community. Partnership with the community is considered more effective in preventing and addressing crime. The reform of the National Police is also carried out due to various limitations faced by the police in performing their functions. Considering the increasingly

[7] Sarah Nuraini S. *Reformasi Struktural Polri Tahun 1999-2010*. Jakarta: CV. Andi Offset. 2015. Hlm 58-59.

[8] *Op.Cit*., Sarah Nuraini S. *Reformasi Struktural Polri Tahun 1999-2010*. Jakarta: CV. Andi Offset. 2015. Hlm 1.

[9] Adrianus Meliala, "Reformasi Polri: Sejauh Mana", dalam Beni Sukadia & Eric Hendra (ed), Perjalanan Reformasi Sektor Keamanan Indonesia. Jakarta: Lesperssi & DCAF. 2008. Hlm 77.

[10] *Op.Cit*., Sarah Nuraini S. *Reformasi Struktural Polri Tahun 1999-2010*. Jakarta: CV. Andi Offset. 2015. Hlm 2

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complex level of threats, the capabilities of the police should be doubled proportionally, from facilities and infrastructure to the quality and quantity of personnel. However, due to two reasons, that ideal hope is difficult to realize. First, because the necessity of democracy makes it impossible for the police to be separated from the people. The widening gap between the police and the community as a result of past policies must be narrowed. To achieve this, the police must redefine their position, duties, and roles in accordance with the aspirations of the society, leading toward a more democratic state. Even the police are required to provide space for the growth of public oversight over this institution. Therefore, the idea emerged to establish an independent body that would serve to accommodate complaints against the police and also gather resource support to improve police performance.[11] Third, as a solution, a policing paradigm that better utilizes the resources and potential within the community is needed. Partnership with the community is considered more effective in preventing and addressing crime.

The reform of the National Police is also carried out due to various limitations faced by the police in performing its functions. Considering the increasingly complex level of threats, the capabilities of the police should be doubled proportionally, from facilities and infrastructure to the quality and quantity of personnel. However, due to two reasons, that ideal hope is difficult to realize. First, because the necessity of democracy makes it impossible for the police to be separated from the people. The widening gap between the police and the community as a result of past policies must be narrowed. For that reason, the National Police must redefine its position, duties, and roles in accordance with the aspirations of the society that lead toward a more democratic state. Even the police are demanded to provide space for the growth of public oversight over this institution. Therefore, the idea emerged to establish an independent body that functions to accommodate complaints against the police and also to gather resource support to improve police performance.[12]

Although the pros and cons regarding the structure of the National Police Chief (Kapolri) continue to this day, the reform of the National Police (Polri) is being carried out in accordance with the applicable regulations. From one Kapolri to the next, various policies are made based on the latest regulations. Various documents and statements from the leaders of the National Police emphasize that structural reform must be realized in the form of the organization and work procedures of the National Police as mandated in one of the Articles of Law No. 2 of 2002 regarding the National Police.[13]

Thru gradual reform, the Indonesian National Police (Polri) can satisfactorily perform its functions. This means that the reform of the National Police will reestablish the position and structure of the National Police within the state system of the Republic of Indonesia. With the new paradigm, the transformation of the National Police is directed toward a police force with a civilian character (Civilian Police).

To support democratization and prevent the possibility of the police institution being misused by the president or the National Police Chief himself, Law No. 2 of 2002 on the National Police also mandates the establishment of a police institution as the National Police Commission (Kompolnas). The formation of Kompolnas is rhetorically intended to strengthen the process

[11] Sutanto, *Perpolisian Masyarakat: buku pedoman untuk anggota kepolisian Negara Repubik Indonesia.* Jakarta: Kepolisian Negara Republik Indonesia. 2006. Hlm 27.

[12] Kepolisian Indonesia, *Reformasi menuju Polisi yang profesional*. Jakarta: Polri. 1999. Hlm 8

[13] Nurinwa Ki S. Hendrowinoto dkk. *Polri Mengisi Republik*. Jakarta: PTIK. 2010. Hlm 36

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of "Democratic Policing" as demanded by police reform thinking in various countries.[14] With the establishment of Kompolnas by Presidential Decree (Keppres), all matters related to the issues of the National Police can be regulated, from handling public complaints about the behavior of police officers to institutional development and the selection of the Chief of Police. To further enhance Kompolnas, this institution is positioned under and accountable to the president.

Article 38 paragraph (1) of Law No. 2 of 2002 states that Kompolnas has the duty to: a) Assist the President in determining the direction of Polri's policies and b) Provide recommendations to the president regarding the appointment and dismissal of the Chief of Police. Then paragraph (2), in carrying out the duties as referred to in paragraph (1), Kompolnas is authorized to: a) Collect and analyze data as material for providing advice to the president related to Polri's budget, the development of Polri's human resources, and the development of Polri's facilities and infrastructure, b) Provide other advice and recommendations to the president in efforts to realize a professional and independent Polri, and c) Receive suggestions and complaints from the public regarding police performance and convey them to the president.[15]

Article 39 paragraph (1) states that the membership of Kompolnas consists of a chairperson who also serves as a member, a vice-chairperson who also serves as a member, secretary who also serves as a member, and 6 (six) members. Then, paragraph (2) states that the membership as referred to in paragraph (1) comes from elements of the government, police experts, and community leaders.

Based on the background of thot that has been presented above, the author is interested in discussing and analyzing it with the title "Analysis of the Polemic on the Implementation of the Police Law in Indonesia from a Legal and Social Perspective." In this writing, the author will formulate several points of issues, namely: 1) How the implementation of the Police Law in Indonesia is viewed from a legal perspective. 2) How the public responds to the implementation of the Police Law in Indonesia. And 3) How the implementation of the Police Law relates to social justice in society.

B. Research Methodology

In order to obtain the desired data and achieve satisfactory results, the author uses a normative juridical approach, where the author studies legal aspects, regulations, and relevant theories, which are then analyzed in accordance with the polemics surrounding the implementation of the Police Law in Indonesia from a legal and social perspective.

C. Discussion and Analysis

1. The implementation of the Police Law in Indonesia from a legal perspective

The Indonesian National Police (POLRI) is the National Police in Indonesia that is directly responsible to the President. The Indonesian National Police (POLRI) carries out police duties throughout Indonesia, which include maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community. POLRI acts as law enforcement agents and maintainers of public security and order. The conception of the duties, functions, and roles of the National Police, which is based on still-relevant foundations, needs to

[14] Bruce and Neild, *The Police That We Want: A Handbook for Oversight of Police in South Africa*. Johannesburg: The Centre for the Study of Violence and Reconciliation. 2005. Hlm 16-17. Diterjamahkan oleh: Sarah Nuraini S. *Reformasi Struktural Polri Tahun 1999-2010*. Jakarta: CV. Andi Offset. 2015. Hlm 36.

[15] Op.Cit., Sarah Nuraini S. *Reformasi Struktural Polri Tahun 1999-2010*. Jakarta: CV. Andi Offset. 2015. Hlm 37.

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be oriented toward societal developments. The National Police of Indonesia, with its presence, brings four strategic roles, namely:

1) Community protection.
2) Law Enforcement.
3) Prevention of law violations.
4) Development of community security and order.

As stipulated in the provisions of Law No. 2 of 2002 concerning the National Police, it is clearly formulated that the main duties of the National Police are law enforcement, protector, guardian, and community guide, especially in terms of compliance and adherence to applicable laws. In the provisions of this Law, there are two fundamental main duties of the National Police as stated in the Tibrata and Catur Prasetya of the National Police. As regulated in Law No. 2 of 2002, specifically Article 13, Article 13 emphasizes that the National Police have the duty to:

1) Maintaining public security and order.
2) Enforcing the law and
3) Providing protection, shelter, and services to the community.[16]

The role of the National Police according to Article 1 paragraph (5) of Law No. 2 of 2002 on the Indonesian National Police is:[17]

"Security and public order are dynamic conditions of society as one of the prerequisites for the implementation of the national development process in order to achieve national goals, characterized by guarantyd security, order, and the rule of law, as well as the establishment of tranquility that encompasses the ability to nurture and develop the potential and strength of society in countering, preventing, and overcoming all forms of legal violations and other disturbances that can cause public unrest."

The role of the National Police according to Article 1 paragraph (5) of Law No. 2 of 2002[18] about the Indonesian National Police, namely: The role of the National Police of Indonesia described above is in line with the functions of the Police as stipulated in Law No. 2 on the police as follows:

1) Article 2 of Law No. [Year] 2002 states that the function of the Police is: "one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, guidance, and service to the community."[19]
2) Article 5 paragraph (1) of Law No. 2 of 2002. "The Indonesian National Police is a state apparatus that plays a role in maintaining public security and order, enforcing the law, and providing protection, guidance, and service to the community in order to maintain domestic security."[20]
3) Article 14 of Law No. 2 of 2002 regulates the implementation of basic duties as referred to in Article 13 of Law No. 2 of 2002, tasked with:
    a) Implementing regulations, guarding, escorting, and patrolling community and government activities as needed.
    b) Organizing all activities to ensure security, order, and smooth traffic on the roads.
    c) Educating the community to increase public participation, legal awareness, and

[16] Pasal 13, UU No. 2 Tahun 2002.
[17] Pasal 1 ayat (5) UU No. 2 Tahun 2002.
[18] Pasal 1 ayat (5) UU No. 2 Tahun 2002.
[19] Pasal 2 UU No. Tahun 2002.
[20] Pasal 5 ayat (1) UU No. 2 Tahun 2002.

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compliance with laws and regulations.

d) Participating in national legal development.
e) Maintaining order and ensuring public safety, coordinating, supervising, and providing technical guidance to special police, civil servant investigators, and forms of self-monitoring.
f) Conducting investigations and inquiries into all criminal acts in accordance with criminal procedure law and other legislation.[21]

The statement above, according to Barda Nawawi Arief,[22] that the National Police (Polri) in carrying out its duties plays a dual role both as law enforcers (*in the field of criminal justice*) and as social workers in the social aspect, and the police institution encompasses two things: the maintenance of peace and order in law enforcement.

The duties and authority of the police in maintaining public security and order can be linked to Article 13 paragraph (3) of Law Number 9 of 1998, which states that "In the delivery of opinions in public, the police are responsible for providing security to ensure public safety and order in accordance with applicable procedures".[23] This is in line with the police's duty as maintainers of public security and order.

The duties and authorities of the police in enforcing the law can be linked to Articles 16, 17, and 18 paragraph (1) of Law Number 9 of 1998 concerning the Freedom to Express Opinions in Public. Article 16 states that "perpetrators or participants in public who commit unlawful acts may be subject to legal sanctions in accordance with the applicable laws and regulations." This is in line with the police's duties as law enforcers.[24] Article 17 states that the person responsible for the implementation of public opinion delivery who commits a crime as referred to in Article 16 of this law shall be punished in accordance with the applicable criminal law regulations plus one-third of the main penalty. This is in line with the police's duty as law enforcement officers.

Article 18 paragraph (1) states that "Anyone who, with violence or the threat of violence, obstructs the right of citizens to express their opinions in public in accordance with the provisions of the law shall be imprisoned for a maximum of one year in handling demonstrations conducted by the police".[25]

2. Public Response to the Implementation of the Police Law in Indonesia

As a democratic country, Indonesia certainly supports the implementation of rules regarding the freedom of society to express and voice opinions as stipulated in Article 28 and Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia. One form of freedom of expression is the freedom to voice opinions or responses from the public regarding various phenomena or events that occur, both in political and non-political aspects. Generally, the responses generated by the public can be in the form of feelings of like or dislike, as well as acceptance or rejection of these phenomena or events, which are the result of their understanding.

In line with the development of information and communication technology as it is today, access to expressing responses is also increasingly open, including thru mass media and social media (new media). This is because both media are considered to have an influence on the process of forming a societal reaction, as their subjectivity highly depends on the users themselves.

[21] Pasal 13 UU No. 2 Tahun 2002.
[22] Barda Nawawi Arief. *Kebijakan Kriminal*. Bahan Seminar. 2005. Hlm 5.
[23] Pasal 13 ayat (3) UU No. 9 Tahun 1998
[24] Pasal 16 UU No. 9 Tahun 1998.
[25] Barda Nawawi Arief. *Kebijakan Kriminal*. Bahan Seminar. 2005. Hlm 5

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Therefore, social media, especially Twitter, is often recorded as being used as a mediator by both individuals and organizations or groups to express their responses to social and political issues as well as humanitarian issues that are currently being discussed. Public perception of police performance also significantly contributes to the image of the police as an institution..[26]

Based on the research on the level of public trust conducted by Aziz Saputra in 2020 from the research and development center of the Indonesian National Police, the resulting figures are quite significant. This research shows a tendency for a good assessment of 80.98%, with the highest rating for the Intelkam function (82.66%) and the lowest for the Reskrim function (77%).[27]

Issues regarding the Polri institution currently do not show the effectiveness of Polri reform in terms of oversight, particularly the role and function of Kompolnas. The issue of the morality of law enforcement officers remains a relevant topic to discuss over time, as what is presented by the mass media often tends to be paradoxical. On one hand, law enforcement officers are required to carry out their duties in accordance with the mandate of the law, resulting in decisions that embody justice for the parties involved. However, on the other hand, there are instances where law enforcement officers commit crimes themselves, which tarnishes the image of the enforcement agency.[28]

This certainly results in low public trust in the National Police. This is reinforced by public trust survey data conducted by the Indonesian Survey Institute in 2023, where public trust in the National Police initially stood at 72% in 2021, then decreased by 2% to 70% in August 2022, and further declined by 17% to 53% in October 2022.[29]

Contrasting data shows that the issue of authority within the National Police includes the misuse of firearms, as well as rampant human rights violations and other arbitrary actions. This is evidenced by the Komnas HAM report for 2020-2021, which showed 71 acts of violence and 39 acts of torture committed by the police. Not only that, the contrast from 2021 to 2022 also recorded 31 cases of police torture within a span of one year, and this data often repeats every year. Another piece of data that caught public attention was the Kanjuruhan incident and the murder committed by one of the high- ranking police officials, Inspector General FS, in 2022.[30]

According to Amostian, these two incidents are the peak of public unrest and the perception that there are still many deficiencies and weaknesses in the oversight of the National Police. In both cases, the public and observers see the minimal role and involvement of the National Police Commission (Kompolnas), raising significant questions about the actual function and purpose of Kompolnas. Like a lion, Kompolnas is considered toothless and powerless in resolving the issues within the National Police. However, given its position as a commission separate from the National Police, Kompolnas should be able to have a stronger role in overseeing the National Police. The fact again shows that it is not effective enough to realize that internal oversight within the Polri is not sufficient to make Polri a clean and positively perceived institution, especially

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[26] Wardani, V. A., & Kadarisman, Y. (2015). *Persepsi masyarakat terhadap citra polisi lalu lintas di Polsek Kecamatan Tampan Kota Pekanbaru*. Jurnal Online Mahasiswa Fakultas Ilmu Sosial Dan Ilmu Politik Universitas Riau, Vol 2 No. (1), Hlm 1–15.

[27] Aziz Saputra. 2020. *"Tingkat Kepercayaan Masyarakat Terhadap Kinerja Polri Tahun 2020."* Jurnal Litbang Polri, Vol. 24, No.1, Edisi 2021

[28] Agus Raharjo. (2006). *Hukum dan Dilema Pencitraannya (Transisi Paradigmatis Ilmu Hukum dalam Teori dan Praktik*. Jurnal Hukum Pro Justitia. Vol.24 (No.1), pp.12-26. https://journal.unpar.ac.id/index.php/projustitia/article/view/1176.

[29] Rizaty, Monavia A. 2022. *Survei LSI: Kepercayaan Publik Kepada Polri Anjlok Menjadi53%*.https://dataindonesia.id/varia/detail/survei-lsi-kepercayaan-publik-kepada- polrianjlok-menjadi-53. (diakses pada tanggal 15 Juni 2024, pada pukul 11:00).

[30] *Ibid.*

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since recent cases involving Polri were committed by Polri itself.[31]

The author added several cases that occurred in 2024, namely: 1) Recently, a police officer Bripda JM in Ambon was suspected of beating three teenagers to a pulp after drinking together. This assault occurred at the perpetrator's grandfather's house on Monday, July 14, 2024.[32] 2). Police officer Bripka SR in Ambon repeatedly raped an elementary school student since she was in the 3rd grade. The incident was revealed when the victim's mother saw her daughter looking gloomy and noticed a change in her walking style after playing. The perpetrator, Bripka SR, was designated as a suspect in the case of the rape and molestation of a minor on May 31, 2024. 3) As we know, the viral case of Pegi Setiawan, who was declared a suspect on May 21, 2024, in the Vina Cirebon case from 8 years ago. Where on July 8, 2024, Judge Erman Sulaeman granted Pegi Setiawan's pretrial motion and declared him free due to insufficient evidence to continue Pegi's detention.

3. The Relationship Between the Implementation of the Police Law and Social Justice in Society.

Based on the efforts of the National Police as law enforcers to create security and order as part of their duties and functions to prevent legal violations, justice is one of the indicators of the formation of coordination between the police and the community to implement law enforcement. The standard of justice is based on norms of good and bad supported by fundamental legal principles. Thus, the justice referred to is the harmony or balance between individual freedom and the interests of society. Here, the law plays an important role in reconciling personal interests with societal interests, and not the other way around.[33]

Upholding justice is the highest aspiration in law, but in applying justice, it does not solely rely on legal texts but rather on the people who are called law enforcers, legal authorities, police, and so on. That is the legal justice that must be upheld. Legal justice becomes expensive because no one can afford it, but justice becomes cheap if law enforcers no longer want to act honestly and responsibly. Therefore, the role of the National Police is the key to the enforcement of law for the community.

In the research journal by Elvi Alfian,[34] which examines the Duties and Functions of the Police to Enhance Public Trust in Law Enforcement, the author limits three dominant factors that determine the success of the National Police in accordance with the goals of the criminal justice system, these factors include: (1) the factor of personnel/Officers, which consists of: (a) the Morality of Law Enforcement. The relationship between morality and law enforcement is crucial for the success of law enforcement, as expected by the legal objectives. The morality of law enforcement is one of the most determining aspects in carrying out the roles and functions of the National Police, as seen in corruption cases involving police officers in the Koorlantas case, and several terrorism-related cases where there was abuse against individuals suspected of being perpetrators, such as the case in Poso Police. (b) the Skills of Law Enforcement. The skills of the

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[31] Amostian, dkk. 2023. "*Reformasi Polri Melalui Penguatan Fungsi dan Kewenangan Komisi Kepolisian Nasional dalam Melakukan Pengawasan Eksternal Terhadap Polri".* Jurnal Pembangunan Hukum Indonesia. Vol 5, No 3. Hlm 513.

[32] https://www.detik.com/sulsel/hukum-dan-kriminal/d-7368073/oknum-polisi-di-ambon-perkosa-siswi-sd-ditetapkan-jadi-tersangka. (Diakses pada Tanggal 19 Juli 2024, Pukul 09:00WIB

[33] Yutrawanto, Azriel Pualillin. 2023. "*Implementasi Law Enforcement dalam Tugas dan Fungsi Kepolisian sebagai Penegak Hukum"*. Mandar: Social Science Journal. Vol 1, No 1.

[34] Elfi Alvian, 2020. *"Tugas dan Fungsi Kepolisian Untuk Meningkatkan Kepercayaan Publik terhadap Penegak Hukum" Legalitas* 12 (1): 35.

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National Police cannot keep up with the rapid and complex advancement of technology, such as knowledge of Information Technology; the police banking system is very limited compared to the knowledge of the suspects. Thus, the police as investigators cannot conduct investigations optimally.

So far, the National Police have been trained and accustomed to conventional crimes. White collar crime is the most challenging task, while as an investigator, one has a heavy workload because the police personnel assigned to investigations are very limited. Based on the existing reality, the legal factor or the law itself is an obstacle in the execution of duties. (2) the factor of Facilities/Supporting Equipment The availability of facilities, commonly referred to as the means and infrastructure supporting the law enforcement process, is one of the important factors that influence the effective functioning of the law. (3) Legal Principles or Regulations Themselves. It is also explained the efforts of law enforcement in the criminal justice process[35].

The statement above, according to Barda Nawawi Arief[36], that the National Police (Polri) in carrying out its duties plays a dual role both as law enforcers (in the field of criminal justice) and as social workers in the social and community aspects (service and devotion). Furthermore, universally, the functions of the police institution encompass two aspects: the maintenance of peace and order in law enforcement.

For the enforcement of law in realizing social justice, the Indonesian National Police (Polri) is greatly influenced by factors that hinder the implementation of its functions, which are interconnected with various situations and conditions of the local community. In the practice of law enforcement, the police face various obstacles, both operational and procedural legal, and these obstacles do not yield optimal results in efforts to reduce the rise in crime rates; in fact, the opposite occurs. All the aforementioned obstacles stem from the models of approaches used, which must be supported by professionalism, mentality, and education for every member of the police force. In this regard, to understand the obstacles to the roles and functions performed by the police in general and Polmas in particular, by utilizing general factors that influence the law enforcement process[37] is: (1) the law itself, (2) law enforcement factors, namely the parties that create and apply the law, (3) infrastructure or facilities factors, (4) community factors, which are the environments where the law is applicable or enforced, (5) cultural factors, which are the results of human creativity, invention, and feelings based on human initiative in social interactions.

Based on the Amostian theory, the analysis that the Author can describe includes:
1) Viewed from the concept of Law No. 2 of 2002 concerning the National Police and the Revision of Law No. 2 of 2002 concerning the third amendment to the Indonesian National Police, where the improvement of this revision is aimed at enhancing the performance of the National Police and granting authority to decide on access to cyberspace, which currently provides a clear legal basis for the main duties of the National Police in maintaining public order. But what needs to be considered is the implementation of the moral challenges faced by police officers in carrying out their duties; there needs to be an improvement in morality, and a clear and strict

[35] *Op.Cit.,* Yutrawanto, Azriel Pualillin. 2023. "*Implementasi Law Enforcement dalam Tugas dan Fungsi Kepolisian sebagai Penegak Hukum"*. Mandar: Social Science Journal. Vol 1, No 1.

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implementation of the code of ethics regarding the performance of the police in Indonesia. The issues with the performance of the police have only been present among a small number of individuals. 2) Based on the issues described by the Author, it can be said that the lack of training and operational procedures to enhance caution in law enforcement has led to low public trust and response toward the performance of the police, as we can see nowadays, cases that go viral before the police intervene often occur within the community.

Why is this so? The virality of cases initiated by the public can be a way for them to voice justice, accountability, or draw public attention, including the police, to certain issues. The National Police can strive for collaboration between the community and law enforcement to create effective law enforcement. 3) The implementation of the Police Law regarding the performance of the National Police in handling cases of injustice in society cannot yet be considered good. Efforts that can be made include adherence to the law by police officers to produce fair principles, and the police need skills and training in handling complex cases.

D. Conclusion

After the author describes and explains the content of this research in accordance with the issues in this writing, the author draws several conclusions as follows: 1) The implementation of Law No. 2 of 2002 concerning the Indonesian National Police, from a legal perspective, has a clear foundation for the police to carry out their duties in maintaining security, order, and upholding justice in society. 2). The public's response to the implementation of the Police Law in Indonesia, as seen from the public trust survey data conducted by the Indonesian Survey Institute in 2023, where public trust in the police initially stood at 72% in 2021, then decreased by 2% to 70% in August 2022, and further declined by 17% to 53% in October 2022. 3) The implementation of the Police Law and social justice in society faces challenges from the Indonesian National Police.

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