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## **Democratic Policing: POLRI Neutrality in Democratic Election**

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**Abstract.** The democratic party in the form of elections and presidential elections is a crucial moment for the survival of the Nation and a moment that is prone to abuse of power, corruption, and social conflict. In relation to the relationship between the nation, democracy, and neutrality, it becomes essential to ensure the neutral attitude of the nation apparatus at the time of the election. This is both bureaucratic, such as ASN, and instruments of public order and national resilience such as TNI/POLRI. The ministry organized by bureaucratic officials is based on professionalism, not because of political interests. Neutrality also means that governments should not take sides in the group's interests but act based on professionalism with credible individual capabilities and a high level of capability. This article seeks to relate the views of figures such as Marx, Weber, and Hegel concerning bureaucratic neutrality, in this case, the role of POLRI in elections and presidential elections, with the principles of democratic policing. This research argues that referring to the view of bureaucratic neutrality, the impartiality of the nation through its apparatus is a natural phenomenon, closely related to the power relationship between the Police and the ruling group, and contains elements of abuse of power. Thus, in this understanding, this phenomenon then contradicts the principle of democratic policing. In this context, the author sees the implementation of a neutral bureaucracy and POLRI that implement democratic policing has not been reflected in implementation and security during elections and presidential elections.

**Keywords.** Neutrality, Democratic Policing, Abuse of Power

### **Introduction**

Changes in political structure, globalization, capitalism and social dynamics as well as advances in information technology have placed the issue of the neutrality of the Indonesian National Police (Polri) at the heart of the discourse on democratizing law enforcement as a state administrative institution. In the last few decades, violations of the Police's code of ethics have surfaced and can be seen with the naked eye. Many findings show the involvement of police officers and institutions in the political process, in this case the General Election, especially the Presidential Election (Pilpres) and Regional Head Elections (Pilkada). This finding proves that the National Police are not completely neutral and professional in carrying out their duties and functions as a state bureaucracy that should serve the interests of the people, not the interests of political power. This means that the neutrality of the Police has not been tested for not being involved in practical politics. The crisis of trust finally hit the police body. Even if statistically

examined, the success of the National Police is still worth showing, but the humanist service index has not undergone significant changes (Hutagalung, 2017).

As the state instruments, the National Police, as well as ASN and TNI, have been mandated by the constitution to serve the state professionally, with integrity and independence, in addition to being free from political intervention. Law Number 5 of 2014 Article 2 letter f concerning ASN (Civil Servants) contains principles, principles, basic values, code of ethics, and code of conduct for implementing policies, one of which is ASN management based on the principle of neutrality. Article 280 paragraph (2) of Law 7 of 2017 concerning Elections states that in addition to ASN, leaders of the Supreme Court or the Constitutional Court to village and sub-district officials are prohibited from participating in campaign activities. If the mentioned parties remain involved in the campaign, they will be subject to criminal sanctions of imprisonment and fines. The sanctions are contained in Article 494 of Law 7 of 2017 which states that any violation of the code of ethics can be punished with a maximum imprisonment of 1 year and a maximum fine of Rp. 12 million (Bawaslu, 2019). This exception also refers to Law Number 34 of 2004 concerning the Indonesian National Armed Forces (UU TNI) and TAP MPR RI Number VII of 2000 concerning the Role of the TNI and Polri. As a means of defense and security, the TNI and Polri since 1971 have maintained their dignity as institutions free from practical political interests.

Amalia Salabi (2019) found that there is still a tendency for the National Police to defend the rulers who incidentally come from certain political parties. Salabi referred to the report of the Independent Election Monitoring Committee (KIPP) which found several cases of neutrality of the state civil apparatus (ASN), TNI, and Polri during the 2019 Presidential Election. One of the cases mentioned by KIPP was the alleged neutrality of Polri personnel at the Millennial Safety Festival organized by the Police. Regional Police (Polda) in several regions in Indonesia. From the findings and reports submitted to KIPP, it is suspected that the activity was colored by calls to support one of the presidential candidates, namely Joko Widodo, who was then the incumbent. In addition, KIPP also reported a viral video containing images and voices of active members of the Indonesian National Police on social media showing siding with one of the presidential-Vice Presidential candidate pairs.

In the same year, the Election Supervisory Body (Bawaslu, 2019) found around 1,096 legal violations related to the neutrality of ASN, TNI and Polri, including 162 cases of alleged violations of the code of ethics committed by election organizers, namely KPU and Bawaslu. Violations of the code of ethics are generally committed during the election campaign cycle. Daniel Deha's research findings (2020) also confirms the neutrality of the Polri institution during the 2019 presidential election, where it was revealed that the National Police also supported Jokowi's campaign as well as excluded the issues or discourses raised by Prabowo Subianto in the public sphere through mastery of the digital space. Using a phenomenological approach, Deha also found that Jokowi used the bureaucratic system he had built during the first period to silence, neutralize and dominate discourse in the public sphere.

Police intervention in the political process of power tends to be more open, with the National Police Chief himself being directly under the President or the ruling government. Therefore, the involvement of the National Police in violating the code of ethics related to neutrality requires stricter sanctions so that it does not happen again in the future. The reason is, as an instrument of democracy, the neutrality of the Police or ASN in political contestation can paralyze democratic institutions that have been built since the Reformation.

The researcher assumes that the involvement of the Polri apparatus or Polri institutions in the political process of power such as the presidential election or regional head elections cannot be separated from the interests of the authorities or those in power to legitimize the status

quo. If you put democracy in the perspective of law enforcement, what happened to the impartiality of the Police shows that the Police are no longer serving the interests of the community but are devoted to the political and business interests of those in power. The transformation that took place within the National Police did not run optimally when the Reformation idealized the separation of the National Police from the TNI to become part of a civilian institution through the issuance of Presidential Instruction No. 2/1999 on Policy Steps for Separating the Indonesian National Police from ABRI. With this change in structure, the National Police are no longer subject to the politics of the authorities, but are returned as state administrators that focus on the function of security and safeguarding citizens. Even in the dynamics of politics, institutions are sabotaged by the political authorities because the cultural heritage of the New Order has not been completely lost from the body of power. The reforms have changed the structure of government power and separated the National Police from political interests and returned to being a civilian institution with the task of protecting citizens (Sulistyo, 2018).

The enactment of Law No. 2 of 2002 concerning the Indonesian National Police is a space for legitimacy for the police institution as a means of state security and protection of the community. Formally, the National Police then formulated an internal reform agenda, among others, to redefine the identity of the National Police through demilitarization, depoliticization, desacralization, decentralization, de-corporatization, decorporatization, and debureaucratization; building public trust, and others (Kontras, 2018). In this pace of change, the relationship between Polri and the community is vital because the community is the source of Polri's legitimacy. This system is a democratic demand that wants the Police to follow the current of democratization which is also being celebrated in Indonesia. Since the National Police is a civilian institution in a democratic system, the police from the community, by the community and for the community is the main goal of separating the Police from the Armed Forces. To support this vision of policing requires cooperation between elements of government and also elements of society (Sulistyo, 2018).

Bureaucratic neutrality is essentially a system where the bureaucracy will not change in providing services to the leadership (of the governing political party), even though there is a change of leadership (Thoha, 2005). Services provided by the bureaucracy are based on professionalism, not because of political interests. Neutrality is also meant that the government should not side with the interests of the group, but act on the basis of professionalism with credible individual abilities and a high level of capability. The demand for neutrality of the Police in a formal legal or normative legal framework does not only arise in order to prevent inequality in law enforcement, but also to reject the emergence of conflicts of interest that can harm the community and also the Police as citizens (Soedarsono, 2010). It is important for the National Police to understand aspects of the constitutionality of the state, state institutions, functions of government, the goals of the state and society as citizens. That way, there is a clear demarcation between positions as citizens and as law enforcement officers, including those related to rights, obligations and responsibilities.

In this context, the Police need a policing concept that grows and develops from the community, not from state power. The police are not merely an instrument of state power, but are formed to serve and protect the community. It is at this level that the National Police need to apply the idea of democratic policing that emphasizes the principles of accountability, transparency, and legal certainty. Democratic policing encourages Polri's obligation to protect the public by not violating human rights arbitrarily, even if it is to protect the public interest. More than that, it takes a public relations system that has strong roots down to the basic level

of society to build positive opinions and restore the tarnished face of the Police. Thus, the long road to reform of the Indonesian National Police urgently begins.

Political contestations such as Pilkada and Pilpres are democratic instruments that are legally and politically a necessity in a modern country. However, in its implementation, not all elements of citizens can exercise their political rights, for example, members of the TNI and also the Police. As a law enforcement agency, the neutrality dimension of the National Police becomes important in the Pilkada and Presidential Elections so that the democratic parties run honestly, fairly and cleanly.

The author sees that there is a political force, which exerts a strong influence on one of the presidential candidates in the presidential election, so that this power is also able to lead the POLRI to become non-neutral while the legal umbrella for the neutrality of the POLRI has been created. Although, institutionally, POLRI has firmly positioned itself as a neutral party in a democratic party, in the context of its implementation, there are still many sides to certain elements that keep this issue rolling. This is where the gap that occurs between what should be done and what happens in the field even though the legal instruments in the form of laws, regulations and so on are absolute power in a country and not the power of the masses.

This study seeks to see the phenomenon of the neutrality of the police in the Pilkada and Presidential Elections by referring to the conception of Democratic Policing, in which democratic police are police who live from the community, work for the community and are lived by the community. When it has implemented the democratic police, it will indirectly apply neutralization to every state activity. One of them is when Indonesia is undergoing democratic activities, namely general elections. In this case, neutrality can be interpreted as an attitude of not actively and passively providing support to groups or political parties that have an interest in winning elections (Rahardjo, 2007). However, in its implementation, not all elements of citizens can exercise their political rights. For example, POLRI members are citizens who are excluded from these political rights. This is intended as an effort to maintain and maintain neutrality in the general election process, both legislative and presidential elections (Thoha, 2005).

In the process of this research, the author will first reaffirm the position of this research in the development of contemporary scientific knowledge. Based on the search for previous research articles by researchers, in several recent international journal articles, such as research by Hope Sr, K. R. (2020) which describes the public role of police oversight (oversight), as a form of police accountability and professionalism. Thus, this research is a form of criticism of the indications of police neutrality in the Pilkada and Presidential Elections. Another study by Lin (2020) and Booner (2020) describes various aspects that characterize a form of democratic policing, including good morality, compliance with the code of ethics, paying attention to human rights values, and professionalism which is reflected in the neutrality of the apparatus. the police as a representative of the state. So, based on this search, this article seeks to contextualize these studies on the neutrality of the Indonesian National Police in the Pilkada and Presidential Elections in Indonesia. In the search results of national journal articles, researchers found several journal articles that discussed the neutrality of the bureaucracy, especially POLRI in the context of political contestation. Research by Siregar (2019) and Mahendra et al (2019) discusses the theme of POLRI neutralization in the context of elections. Mahendra et al's research (2019) specifically focuses on how the non-neutral attitude of POLRI members in the context of Pilkada is a violation of the POLRI's professional code of ethics. Furthermore, another journal article by Gunanto (2020) also highlights the politicization of the bureaucracy in the context of the implementation of Pilkada in Indonesia.

### **Research methods**

The type of this research is a qualitative descriptive analysis. According to Richie (Moleong, 2014) qualitative research is carried out for the social world, not numerical, starting from aspects of concepts, perceptions, behaviors and issues about humans or the subject being studied. Qualitative research allows researchers to interpret and explain a phenomenon from the general principles that underlie the realization of the meaning of social phenomena in society that are holistic, interpretative and naturalistic (Bungin, 2009). Qualitative research discusses language, context and cultural meaning with a detailed examination then provides data, translates it so that it can be understood (Neuman, 2019).

Descriptive analysis aims to collect information about the status of a symptom, namely the real condition at the time the research was conducted and to make a systematic, factual, and accurate explanation of the facts obtained in the study (Arikunto, 2016). According to Whitney (Rachmat, 2005) descriptive research seeks to find facts with the right interpretation and collect actual information in detail that describes existing symptoms, identify problems or examine prevailing conditions, make comparisons or evaluations, and learn from experience to make decisions in the future.

Descriptive research arises because of an event that attracts the attention of researchers, but there is no theoretical framework to explain it. Thus, with descriptive research, researchers not only describe, but also integrate (synthesis); not only to clarify, but also to organize findings. Descriptive format is more appropriate when it is used to examine problems that require in-depth study, such as product consumer behavior problems, public policy problems in society and so on (Bungin, 2007).

In this study, the researcher uses a descriptive type of research to describe, integrate, and explain as well as attempt to organize data and findings regarding the dimensions of bureaucratic neutrality within the INP in political contestation in the perspective of democratic policing. These steps are made by conducting a literature study to obtain a more in-depth picture of the problem. Literature study is a data collection technique that is useful for analysis material, is a complement to the use of observation and interview methods in qualitative research (Sugiyono, 2013). Documents can be in the form of written sources, films, pictures, and works that are records of events that have passed.

Literature study in this research, divides the data into two categories, namely primary and secondary data. The primary data in this study are articles from previous research related to bureaucratic neutrality, democratic policing and power relations between politicians and the state apparatus, as well as various textbooks discussing concepts relevant to this research.

Secondary data are various online articles related to the case of the neutrality of the police in the election, as well as statements of stakeholders related to this issue. Likewise, data and reports from various election monitoring institutions, such as Bawaslu and the NGO KIPP.

### **Discussion**

#### **Bureaucratic Neutrality and Abuse of Power**

In the era of an open society, the issue of bureaucratic neutrality is important to be discussed again. With the performance of the media and information being increasingly rapid and complex, the bureaucracy is increasingly being highlighted because it is considered to be hampering the pace of growth and dynamics in the state and society. The development of technology that facilitates and accelerates human work is often constrained by the complexity and sluggishness of the bureaucratic system built by a country or society. Bureaucratic work logic is often criticized for severely disrupting productivity and the flow of information distribution in industrial societies. Bureaucracy is therefore still relevant to be discussed.

Based on the origin of the word, bureaucracy is defined as a formal organization where the field of work is in a place called an office. Bureaucracy can also be understood as a type of organization that carries out administrative activities, coordinated systematically with each other in a professional manner. They are selected and appointed and then get paid in the form of salary to occupy their positions in certain positions that have been determined by their main duties and functions by their superiors. The basis for the selection of bureaucrats is the intelligence and skills to be able to carry out tasks in accordance with the organization's vision and mission. Apart from several definitions that continue to change, in Indonesia, bureaucracy is defined as a government system run by government employees because it has adhered to the hierarchy and level of office. Bureaucracy is often said to be a type of public organization that is different from private organizations, which is intended as an instrument for the government to carry out the task of providing public services to the community. In Indonesia, the bureaucracy is so attached to the government that several terms of bureaucracy are often translated as the government itself where the members are referred to as bureaucratic apparatus or bureaucrats. This definition then underwent a change (Permatasari, 2020)

Now, the bureaucracy is defined as a system of government run by paid employees and not elected by the people, where in the way of governing it is controlled by the employee. According to Thoha (2003) bureaucracy is a system for managing large organizations in order to obtain efficient, rational, and effective management. Government bureaucracy is often interpreted as an official kingdom or an official kingdom, namely a kingdom whose kings are the officials themselves. In it there are signs that someone has clear and definite authority, duties and functions, where they are in a formal legal work area and are limited by regulations.

According to Weber (1978) the ideal type of rational bureaucracy is carried out in several ways. First, even though bureaucrats have personal freedom, their positions are still limited when bureaucrats carry out their duties or personal interests in their positions. This means that a bureaucrat is not free to use his position in the bureaucracy for things that are not related to his duties, in this case his personal interests including the needs of his family.

Second, positions in the bureaucracy are arranged both vertically from top to bottom and horizontally to the side in a strict hierarchical level. The consequence of this hierarchy is that there are positions of superiors and subordinates, where then there are people who have more power while there are other people who have less power. Third, there are specific differences between the duties and functions of each position contained in the hierarchy.

Fourth, there is a contract that must be carried out for each level of position. This employment contract includes the authorities and responsibilities of each of these positions that must be carried out along with a description of their duties. Fifth, there is a selection process based on professional qualifications for each official who will occupy a certain position. This selection process will ideally be carried out through an open and competitive examination.

Sixth, having a salary including the right to receive pension funds when they have completed their duties. The amount of salary and pension funds are given in accordance with the hierarchy of positions during their tenure. In addition, every bureaucrat at any level in the bureaucracy can decide to resign and leave his job as a bureaucrat or resign from his position in a certain position based on his own wishes, or under certain conditions or circumstances his contract can be terminated unilaterally by the government for various specific reasons, for example, for committing a criminal act of corruption.

Seventh, there is a career development system of which promotion is based on objective considerations, where seniority and merit are important assessment criteria. Eighth, every bureaucrat who occupies a certain position is absolutely not allowed to use his position or the resources of his agency to fulfill his personal interests or other interests. Finally, there is a

system that runs in a disciplined manner with a clear mechanism, which controls and supervise the performance of each official.

According to David Bentham (Permatasari, 2020), Weber takes into account three main elements in his bureaucratic concept. The three elements include: first, the bureaucracy is seen as a technical instrument (technical instrument). Second, the bureaucracy is seen as an independent force in society, as long as the bureaucracy has an inherent tendency to implement the function as a technical instrument. Third, the development of this attitude because bureaucrats are not able to separate their behavior from their interests as a particular community group. Thus the bureaucracy can get out of its proper function because its members tend to come from that particular social class. The second and third elements of the Weberian bureaucracy contain Weber's view of the role of politics in the bureaucracy. There are political factors that can influence the process of the ideal type of bureaucracy. In other words, the bureaucracy seems to have been calculated that it cannot be separated from politics. This view is rarely taken into account because public administration experts emphasize the first element.

Weber further views that the bureaucracy is like a machine that works impersonally with a strict hierarchical structure. With this function, a bureaucrat can no longer act according to himself but works according to the logic of the rules that have been set. This is Weber's basic concept which assumes that the bureaucracy must be neutral from political power. The neutrality of the bureaucracy allows its officials to work effectively and efficiently to achieve common goals in a government. Thus, the state can realize its goals through bureaucratic machines run by government officials in order to serve the community optimally (Permatasari, 2020).

In contrast to Weber, Marx actually sees that the state never represents the interests of society, but it represents the special interests of the dominant class. Bureaucracy is thus an instrument of the dominant class in exercising domination over other social classes. Marx argues that the interests of the bureaucracy at a certain level have a very intimate relationship with the dominant class in a country (Thoha, 2012). Marx's view that bureaucracy is a phenomenon that can be used in a limited way to observe and explain the relationship of the bureaucracy with the implementation of state administration. According to Marx, bureaucratic theory is actually nothing more than a theory containing an understanding of the framework of the class struggle, the crisis of capitalism, and the development of communism (Permatasari, 2020).

According to Marx, bureaucracy is a capitalist instrument. Therefore, through the revolution of the proletariat and the presence of classes in society, the state and its bureaucracy will be destroyed. According to Marx, in a communist society where there is no exploitation and social division, the existence of the bureaucracy is a meaningless effort. Therefore, the destruction of the bureaucracy is only understood as a process of gradual absorption of the bureaucracy into society as a whole. As a substitute for the oppressive structure of a separate and antagonistic bureaucracy from society, in a communist state the functions of the bureaucracy are carried out by all members of society. Administrative tasks lose their exploitative nature. It will consist of the administration of things instead of the administration of the people as the bureaucracy has done so far.

Thus, according to Marx, bureaucracy is a parasitic and exploitative organization. Bureaucracy is an instrument for the ruling class to exploit other (controlled) social classes. Bureaucracy functions to maintain the privilege and status quo for the interests of the capitalist class. In Marx's view, bureaucracy is a system created by the upper class (the have) to deceive the lower class (the have not) in order to maintain and improve their own welfare. In this case, the bureaucracy becomes a scapegoat for the authorities' mistakes against their people. All the

faults of the rulers ultimately rested on the bureaucracy that became their tool. That is, the existence of the bureaucracy is very dependent on the government and the dominant class (Permatasari, 2020). As is the case in Latin American countries, where neo populist leaders, to name populist leaders who implement neoliberal economic policies, tend to use the police to suppress opposition or suppress anti-neoliberal groups. Whether from left, right, center-left or center-right democratic policing, the average ruler in these countries tends to use the police for electoral political purposes, suppressing the rights of the opposition and stabilizing the security of the regime in power (Bonner, 2020).

With these concepts, it appears that the National Police as a state administration or public administration institution must work for the rulers or the dominant class after all. The vulnerability of the neutrality dimension of the National Police actually lies in the function of the police as stated in Article 2 of Law Number 2 of 2002 concerning the Police. The article states that the National Police is one of the "government functions" of the state in the fields of maintaining security and order, law enforcement, protection, shelter, and service to the community. This formulation has implications for the accompaniment of police organs to become political agents of the authorities so that neutrality in their duties is disrupted.

Police neutrality is one of the ideal factors in building a democratic police force. The real step of neutrality is that the police are no longer involved in political activities, but rather to build policing in the community so that together they can carry out the function of preventing security disturbances (Siregar, 2019). However, in this policing function, there is also an argument that policing activities in the community do not always reflect purely the preventive function of the police. Policing activities may be related to orders from superiors based on the legal framework (policy) of state security. From this, it can be seen how the ruler (the state) has an influence on the policing activity itself. At the time this influence is seen when the police carry out their policing function in society, that is where the problem of neutrality occurs.

From this point, the view emerges that it is logical that the police are always associated with politics (Osse, 2007). In this context, the political space in the process of making many policies, including security policies, is wide open. If this assumption is included in the formulation of policies that regulate state institutions, including the police, then the realm of duties and roles of the police may be resistant to political interests. In this context, policing can become a political activity for the police because it tries to create a balance between various interests in society. Policing as a political activity becomes clear if it is reviewed from a vertical point of view concerning the Police and the State. In this perspective, the police are closely related to state power. The police are a strong hand of the state, accountable to the state, and must enforce state laws as drawn up by the authorities (Siregar, 2019). Thus, there is a power relationship that is connected between the authorities and the Police.

This power relation later emerges in various forms of abuse of power, in this case the demand for the neutrality of the Police which is then closely related to the implementation of democratic policing in Indonesia. Before discussing the neutrality of the police and its relation to democratic policing in Indonesia, the author will first explain about the abuse of power by the bureaucracy, in this case the police.

The disclosure of the confession of the former Pasirwangi Police Chief in Garut Regency AKP Sulman in the media in March 2019 proves that the Police have not been completely neutral in the political contestation process in this country. In that case, Sulman said there were direct instructions from the Garut Police Chief, AKBP Budi Satria Wiguna, to 22 Polsek in Garut to support the Jokowi-Ma'ruf Amin pair. The instruction was delivered in a forum held in February 2019. The case had reached Jokowi's ears, who immediately asked the

Police to be neutral during the electoral political process. Budi also denied Sulman's accusations by saying he was ready to be sanctioned if found guilty (Tirto, 2019).

Allegations of the involvement of the Police in the political process are not new. During the 2019 presidential election cycle, KKIP also found the intervention of a number of regional police chiefs to direct support for Jokowi. One of them occurred in the Millennial Safety Festival held by the Regional Police in several regions. During the event, the Regional Police were seen attaching support attributes to Jokowi. This abuse of power by leaders has been going on for years. This is evidenced by the statement of William Pitt, former Prime Minister of England from 1766-1778, that unlimited power tends to corrupt the minds of those who have it (Hague, 2005). This idea can be referred to the thoughts of Bass & Riggio (2006) who see leadership as a form of persuasion, power relations, the art of persuading obedience, and also the exercise of influence. With the power possessed, a leader has the authority to spread influence, discipline, and also the production of discourse for partial interests.

In a state of law, government authority comes from the applicable laws and regulations. In the context of the Police, the authority is centered on the Law on the Police. Abuse of authority is a government action that cannot be accounted for from the aspect of accountability, responsibility, and responsiveness. That is, abuse of the authority of public officials can be said as an act against the law. Thus, abuse of authority is an act of violating the law, an act of abusing authority, and arbitrariness (Nugraha, 2016). This happens because in the concept of administrative law, every grant of authority to an agency or to a state administration official is always accompanied by the "purpose and intent" of the given authority, so that the application of that authority must be in accordance with the "purpose and intent" given. In the event that the use of the authority is not in accordance with the "purpose and intent" of the granting of that authority, then it has committed an abuse of power.

Abuse of power is an act of abuse of authority by an official for certain interests, either for the benefit of oneself, others or corporations. If the action can harm the country's finances or economy, then the action can be considered an act of corruption. There is a saying that power is close to corruption. Corruption is not only related to the budget, but also includes positions. For cases of criminal acts of corruption with the mode of abuse of office authority, it is multidimensional and complex (Khairunas, 2015). And considering the role and position of the state apparatus also holds power, it is not an exaggeration that within the Polri itself there is the potential to abuse its position, authority or power.

According to Law Number 30 of 2014 concerning Government Administration, the occurrence of abuse of authority needs to be measured by factually proving that an official has used his authority for other purposes or not. It must also be proven that the abuse of authority is carried out consciously by diverting the objectives that have been given to the authority (not due to negligence). The transfer of goals is based on personal interests or for others (Latif, 2014).

Abuse of power is indeed a phenomenon that has existed since a person occupies a position of power. Abuse of power is not seen in just one time period or in one area, but throughout the world and in hundreds of different degrees and contexts. Therefore, in order to define it, we must define its component terms individually and describe the situations in which it may exist. Power can be defined as the ability, or capacity to impose one's will on others based on social position, physical strength, wealth, technology, weapons, or belief in others. Abuse of power will then occur in situations where this power is used unfairly or improperly to exploit or harm others, or due to lack of action, allows exploitation and harm to occur (Zgheib, 2015).

Grant & Keohane (2005) assert that the problem of abuse of power is very serious in politics. For this reason, a mechanism is needed to limit the possibility of abuse of the authority of public officials. Checks and balances mechanism is one of the mechanisms designed to prevent actions that go beyond legal boundaries by requiring the cooperation of actors with different institutions of interest to produce authoritative decisions. Lack of institutionalized checks and balances can lead to the potential for coercion (as in the balance of power) and the need for states and other actors to reach mutually beneficial agreements. However, if this mechanism is not achieved, then the accountability mechanism can be a solution to limit the tendency of state actors to use their power.

Accountability is a concept that focuses on the capacity of public sector organizations to provide answers to the parties concerned with the organization. In other words, accountability is the ability of public sector organizations to provide explanations for their actions, especially to those who in the political system have been given the authority to conduct assessments and evaluations of these public organizations (Starling, 2008). However, in practice, we often find practices of public officials that do not reflect accountability.

Koppel (Aman, Al-Shbail, & Mohammed (2013)) argues that accountability has a number of dimensions such as transparency, accountability, control, responsibility, and responsiveness. Transparency refers to the ease of access to accountability. obtain information related to the functions and performance of the organization. Accountability refers to the practice of ensuring individuals and or organizations are held accountable for their actions and activities, punishing wrongdoing and rewarding good performance. Meanwhile, control refers to the situation that the organization do exactly what its main commandments. And responsibility refers to the organization should be limited by applicable laws. Finally, responsiveness refers to the organization taking an interest in and trying to meet the substantive expectations of stakeholders in the form of demand and need. These five concepts can at least help us to see the performance of the accountability of Polri's institutions in a democratic country.

### **Police Neutrality and Democratic Policing in Indonesia**

Democratization allows the political process to be run through the principles of public accountability that emphasize transparency, checks and balances, and the rule of law. Democracy therefore also influences the existing social system in society and the state, including the government system. At that level, Skolnick (2005) states that the policing system follows the government system of a country, whether it is democratic, authoritarian, and so on. In the era of democracy, the policing model applied is democratic policing (Karnavian & Sulisty, 2017).

Democratic policing is a concept that emerged after authoritarian countries underwent reform and adopted a democratic system. This is because at first the police and the military were on the side of an authoritarian government, in the sense of protecting the government and submitting to the demands of an authoritarian government. A democratic system that seeks balance on public legitimacy is exactly the ideal of democratic policing (Greene, 2006). Democracy changes the face of policing from legitimacy centered on the executive, to legitimacy centered on the executive, legislature and judiciary, which emphasizes the rule of law. In the context of public accountability, Stone and Ward (2000) underlined that police accountability is the extent to which the police produce public security and act honorably under applicable law.

Democratic policing then provides guidance for the police to pay attention to community problems and further work with communities to gain legitimacy. Experts emphasized that

democratic policing is a concept that emphasizes that the police are the public and the public is the police, where cooperation between the community and the police is policing that comes from the community, through policy making in discussions with the community to the actions of the police themselves. The key to democratic policing lies in public legitimacy, which means that people are the object of police security (Karnavian & Sulisty, 2017).

According to Jeremy Travis (Roberson & Mire, 2009), the conception of democratic policing contains several important notes about the characteristics. First, the police must work in accordance with democratic principles, namely being professional, understanding human rights standards, and acting in accordance with legal provisions. Second, the police as the holder of the public mandate, are professional, refer to the law, and uphold ethical values and norms that apply in society and institutions. Third, the police must have a top priority in securing and protecting people's lives. Fourth, the police always serve the community selflessly and are responsible to the community. Fifth, that the protection provided by the police for life and property is the primary function of other police operations. Sixth, the actions of the police must be in accordance with human dignity and human rights. Finally, in carrying out their duties the police should be neutral and not discriminate.

The idea of democratic policing in Indonesia is in line with the principles of post-New Order police reform. Reforms provide space for democratic policing to be implemented in Indonesia by emphasizing respecting civil rights, adhering to the principles of democracy and good governance and conducting modern policing (community policing) (Karnavian & Sulisty, 2017). Democratic policing emerges because of the public demand for police accountability and transparency over police actions. Police accountability is useful for obtaining a police force that is transparent and able to take responsibility for the authority given by the community through legitimacy, to use violence for the sake of public order and interest.

Nevertheless, the police are not given the right to interfere with or limit individual freedom because it is part of human rights. This is supported by international circles, for example the United Nations International Police Task Force (IPTF) which reveals that in a democratic society the police function to protect, not hinder freedom (Karnavian & Sulisty, 2017). According to the Democratic Policing handbook compiled by the Senior Police Adviser to the OSCE Secretary General (Carty, 2008), there are several main principles of democratic policing. First, the objective or goal of democratic policing. Police are the main manifestation of government that can be judged by the public, who are responsible for: maintaining peace, law and order; protect and respect the fundamental rights and freedoms of each individual; preventing and fighting crime; and to provide assistance and services to the community. This is similar to the Indonesian Police's commitment to reform, which wants the manifestation of community sovereignty to be in line with the National Police. As stated in the "Police Reform Position Paper towards a Democratic Police", the police want the community to be able to enjoy freedom, justice and the effectiveness of state services through the Police with a benchmark for the relationship between the community and the Police (Coalition for Police Reform, 2018).

In addition, members of the police will gain legitimacy from the public if they present a performance that is responsive to public needs and public expectations; and use the authority of the state for the benefit of society. According to the Coalition for Police Reform (2018), in the context of law enforcement, the police must operate in accordance with local laws and implement international legal standards accepted by each member of the OSCE; and demonstrate commitment to law enforcement practices. The context of the police in Indonesia also supports this, that the concept of a formal or minimalist rule of law emphasizes the structural (legalistic) component in which the rules and practice of the rule of law are only based on a positive law that applies, whether it be a constitution, a law Laws, or other legal products

as long as they are predictable (legal certainty), apply to all legal subjects, and generally apply (principle of universality). Barry Friedman emphasized that policing must be rational and not against the law so as to avoid mistakes in efforts to bring order to the people who give authority to the police themselves (Friedman & Ponomarenko, 2015).

To support this goal, it is necessary to have formal legislation and written regulations by the government for the police, which must be clear, precise, and accessible to the public. In relation to law enforcement, the police must also pay attention to ethics and human rights, which means that in an effort to revive public trust, the police must follow a professional code, establish and demonstrate the code of ethics, and uphold professionalism and integrity. This code of conduct must reflect high ethical values and be expressed in the prohibitions and imperatives of police work.

The Coalition for Police Reform (2018) adds that the police need to pay attention to these things because the police have particular powers, such as temporarily depriving someone of their freedom; limit the full enjoyment of their rights; and, in extreme situations, capable of using lethal force. However, members of the police must carry out their duties in accordance with universal values or standards of human rights and civil and political rights. Protection and maintenance of life must be the highest priority, to do this requires accountability and transparency of the police and their institutions. Democratic policing demands that the police be and consider themselves to be accountable to society; representatives of the people, state, and law. Therefore, the activity of the police is to control the behavior of individual police officers, a strategy for police operations to establish procedures or to regulate the budget used. As part of the state apparatus and institutions, the police must be open to careful examination by various institutions that are given the right and authority.

Basically, the essence of understanding democratic policing is approval from the community. Prerequisites for building community support are providing transparency in police operations, and fostering a culture of communication and mutual understanding with the public that police serve and protect. Within that framework, matters relating to police organs and management of police issues are regulated by the state. Police management is needed so that the police are able to work effectively and efficiently in carrying out the provisions of law enforcement both domestically and internationally, and accept human rights standards. This includes: direction of command; regulation in supervision; composition of the police force; rights of police personnel; and provision of adequate resources and training.

The transition to democracy in post-authoritarian countries faces the problem of changing the behavior of the military, police, prosecutors, and state bureaucracies in adapting to the democratic paradigm. Thus, the task of the police in a democratic society, apart from being law enforcers, custodians of security and order, protectors, protectors and public servants, must also refer to the general principles of democracy. The implementation of policing that refers to democratic principles puts forward a normative framework for policing that is attached to a democratic life order, even though each country adopts different structures, systems and operational strategies.

In Indonesia itself, there have actually been three stages of police development, namely the Old Order, New Order, and Reform stages. During the Old Order stage, Indonesia adhered to Guided Democracy in which the Police functioned as a revolutionary tool and still adhered to the quasi-military type which still joined ABRI as a unit. Furthermore, during the New Order stage, the police functioned as an instrument of the state and as a means of maintaining government and political power. At the Reformation stage, the National Police underwent a "massive" reform to become "civil police" by changing the structure, instruments, and culture of the Police. The most prominent in this reform is the reform of the instrument in which the

National Police has its own law, namely Law no. 2 of 2002 which clearly states its separation from the TNI (Sulistyo, 2018).

Currently, the implementation of democratic policing is still far from being within the police. The militaristic culture and behavior still surround the internal police. Although efforts to change towards democratic policing have been made, there has never been an attempt to evaluate the extent to which the principles of democratic policing have been applied by the Police. Therefore, an assessment activity is needed on the application of democratic policing in the Indonesian National Police today. It is also important to know how far the state provides its support for the creation of a democratic INP, in terms of laws and regulations, organizational arrangements, resources, infrastructure and the fulfillment of the rights of Polri members as citizens. This condition ultimately requires supervision and support for the National Police to respond and make significant changes.

POLRI as an institution that focuses on internal security with a civilian police approach is emphasized in Law no. 2 of 2002, Article 2, Article 4, and Article 5. In Article 2 it is explained that the function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community. Meanwhile, Article 4 states that the objectives of the Indonesian National Police are to realize internal security which includes the maintenance of public security and order, order and enforcement of the law, the implementation of protection, protection, and service to the community, as well as the establishment of public peace by upholding human rights (HAM). Meanwhile, Article 5 reaffirms the role of the Indonesian National Police, which is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection and services to the community in the context of maintaining domestic security.

From the roles and functions defined in Law no. 2 of 2002, it actually has clearly emphasized how the role and functions of the POLRI are directed to uphold the law and respect civil rights and uphold human rights. These two components are an integral part of the principles of democracy. However, implementing law enforcement and respecting civil rights and upholding human rights is not an easy task, considering that the internalization of militaristic values is still inherent in POLRI members. The experience of approximately forty years of POLRI as implementing government policies, as well as the militaristic values as a result of the joining of POLRI in ABRI have become a challenge for POLRI to realize professionalism that relies on democratic policing.

The concept of democratic policing is generally adopted and practiced in many countries, including:

1. Division of duties and powers between investigating, arresting, punishing, and performing other police duties;
2. Bureaucracy that adopts a military structure with limited discretion, and tries to make vetting measures measurable;
3. Separation of the police from military organizations and efforts to develop the competence of the police institution to be even better than before;
4. External institution or part of the police organizational compartment that supervises its performance and behavior, as well as provides a permit for certainty for the eradication of crime; Police officers can immediately identify these things, such as names on uniforms or identification numbers, as well as obvious markings on patrol cars or disguises with hidden identities.

5. Examination in a trial where police operations are publicly declared and judged tricks; as part of a rotation agreement;
6. Adequate compensation with minimum job requirements equal to the level in society<sup>1</sup>

There have been various attempts to define the elements of democratic policing. According to Bayley (2001), democratic policing must act according to the following four norms:

1. The police should give the highest operational priority to serving the individual needs of citizens and private groups.
2. The police must be accountable according to law to the government.
3. The police must protect human rights, especially those necessary for the kind of free political activity that is the hallmark of democracy.
4. Police must be transparent in their activities.

In this context, the researcher sees that the problems of Polri reform lie in several aspects, including: 1) Polri's education which is still militaristic; 2) limited budget; 3) the welfare of Polri members is low; 4) the ratio between members of the National Police and the community is uneven; and 5) the effectiveness of the merit-system is still not maximized. Therefore, in the dimension of the neutrality of Polri in political contestation, Polri must prove its professionalism and accountability as one of the security actors in the context of democratic policing. Police reform is urgently initiated to create good governance in the security sector as well as to create a safe and orderly environment so as to support the state's goal of prospering and prospering the people.

### **Conclusion**

This study is a literature review study that focuses on the neutrality of the bureaucracy, in this case the National Police, in the process of political contestation such as Pilkada and Pilpres. This study also looks at the power relationship between the Police and the government or the political power that is in power, then gives rise to various forms of abuse of power. In the end, the power relations that give rise to the abuse of power by the Police are contrary to the principles of democratic policing.

The implementation of democratic policing is still far from the POLRI. The militaristic culture and behavior still surround the internal POLRI. Although efforts to change towards democratic policing have been made, there has never been an attempt to evaluate the extent to which the principles of democratic policing have been applied by the POLRI. Therefore, an assessment activity is needed on the application of democratic policing within the Indonesian National Police today. Such an assessment aims to identify the reality of the current state of democratic policing within the Indonesian National Police so that it can at the same time identify the obstacles and potential successes of the POLRI reform program which refers to general principles of democracy as a consequence of policing in a democratic society. It is also important to know how far the State provides its support for the creation of a democratic POLRI, whether in the form of legislation, organizational policies, resources, infrastructure and the fulfillment of the rights of POLRI members as citizens.

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<sup>1</sup> Jerome H. Scolnick "On Democratic Policing"<http://www.policefoundation.org/pdf/62.pdf> (accessed on 15 September 2007). See also. Devika Prasad. "A Democratic Police Act in India"[http://www.humanrightsinitiative.org/new/2006/democratic\\_police\\_act\\_for\\_india.pdf](http://www.humanrightsinitiative.org/new/2006/democratic_police_act_for_india.pdf)

This condition ultimately requires supervision and support for the POLRI to respond and make significant changes. The assumption that the POLRI has reformed itself becomes a justification for the internal POLRI. Thus, every pressure and demand for change from external tends to be deadlocked.

In this context, the author argues that the problems of POLRI reform lie in: 1) Police education which is still militaristic; 2) limited budget; 3) the welfare of Polri members is low; 4) the ratio between members of the National Police and the community is uneven; and 5) the effectiveness of the merit-system is still not maximized. Therefore, in the dimension of the neutrality of Polri in political contestation, Polri should prove its professionalism and accountability as one of the security actors in the context of democratic policing. Police reform is urgently initiated to create good governance in the security sector as well as to create a safe and orderly environment so as to support the state's goal of prospering and prospering the people.

This is compounded by the ineffectiveness of monitoring the performance of the POLRI by the parliament and the public. The fact that the obstacles mentioned above will directly or indirectly be reduced by carrying out a two-way process, namely: on the one hand, POLRI as an institution must be motivated by various demands and expectations. In the sense that POLRI must prove its capacity and capability as one of the security actors in the context of democratic policing. On the other hand, the president, parliament, Kompolnas, and also the community must support in minimizing the problems and obstacles faced by the POLRI, by carrying out effective supervision and control regarding the performance of the POLRI. Without this two-way process, the realization of POLRI as civilian police in the context of democratic policing will never happen.

Further research related to this discussion can use other methods, such as interviews (including triangulation with NGOs supervising the police/election supervisors). You can also use the survey method on public perceptions of the neutrality of the Police, the power relations between the Police and certain ruling groups or political parties. In the context of democratic policing, it is not only the professionalism and performance of institutions that can be measured and evaluated, but also public participation, perceptions of institutional performance and the level of trust in institutions so as to provide a more complete picture to explain this phenomenon. It is possible to use a mixed method in order to explain this phenomenon more comprehensively.

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