

# Legal Philosophy about the Performance of the Indonesian National Police

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## **Abstract**

This study is intended to absorb various aspirations and information about all aspects of police performances. It is also projected so that the ranks of the police can guarantee openness and accessibility to comprehensive information about their performance. Through this study, the impact of the implementation of the police programs and activities which are then realized through their performances can thus be examined carefully. With this in mind, police legitimacy and community support are expected to flourish. It can be said, the study is actually a kind of ‘tool’ that is important in the effort of raising partnerships as well as synergistic joint problem solving among the police, stakeholders, and the public. Through this study, meaningful dialogue in order to hear, understand, accept, solve problems, and then meet the needs of the police, can take place.

**Keywords:** *police, performance, Indonesia*

## **Introduction**

Philosophically, the study of an understanding of a case, in this case let’s say about the performance of the police can actually be considered like a ‘consultation’. In summary, ‘consultation’ can be understood as a process of finding information from a person, group of people, institutions, and other sources of reference. Furthermore, consultation on the cross is a process of dialogue that ultimately leads to a decision making<sup>1</sup>. In relation to the police, consultation provides a way for users of police services, stakeholders, and the public in general, to understand and influence the decisions and policies regarding them<sup>2</sup>. Like a consultation, this research can be said to be an embodiment of Good Governance, whose main pillars are transparency, public participation, and public accountability.

Within the framework of police relations and performance, the study as a consultation is intended to absorb various aspirations and information about all aspects of police performance. On the other hand, this study is also intended so that the ranks of the police can guarantee openness and accessibility to comprehensive information about their performance<sup>3</sup>. Through this research, the impact of the implementation of programs and activities which are then realized through the performance of the police ranks can thus be carefully examined. With this in mind, police legitimacy and

community support are expected to be built. Consultation for police is actually a kind of ‘tool’ that is important in the effort of raising partnerships, between as well as synergistic joint problem solving by the police, stakeholders, and the public. Through studies/research as public consultation, meaningful dialogue in order to hear, understand, accept, solve problems, and then meet the needs of the police, can take place.

This research on the performance of the Indonesian National Police was built by 5 components, which included mutual understanding, handling, barriers and support, linkages, and satisfaction level. Starting from the five components of the study, this study then traced 5 areas of study, namely abuse of authority, including the abuse of rights and power to act for inappropriate purposes; allegations of corruption, which is an act in the form of requesting compensation for money or in other forms for work that should have been done by the police; poor service can be in the form of protracted delays, improper handling, conspiracy, procedural irregularities, and embezzlement of evidence; discriminatory treatment, i.e. services that are biased or biased or give importance to one party, without regard to the applicable provisions so that it harms the other party; and incorrect use of discretion, which is the free use of authority or authority that is unwise and lacks consideration, which results in wrong or harmful decisions or actions. Furthermore, the five fields of study ‘collide’ with what is referred to in this

paper as the 5 pillars of the development of the police, namely professionalism development, consolidation of independence, budget planning, development of human resources, and provision of facilities and infrastructure,

### **Methodology**

Working in the realm of legal philosophy with a comparative model, this research on police and performance in other words about Polri's performance is carried out as a literature study supported first by Field Research, and then also by Survey, and guided by a constructivism paradigm<sup>4,5</sup>. The Methodology of Philosophy Research Methodology is followed because the Philosophy of Law in its cross is more a part of Philosophy<sup>6</sup>. This research was conducted for approximately 4 months in various institutions with the potential availability of informants and/or respondents who were adequate and had a treasury of literature on policing in general, as well as literature on police performance in particular. These institutions include the National Police Headquarters, National Police Education and Training Institutions such as the Police College of Education (STIK), National Police Commission (Kompolnas), and so on.

### **Results**

#### **Understanding and Handling**

In the current reform era, openness or transparency has indeed become our daily life, including within the scope of the police. Therefore, it is not surprising that Polri's performance is reviewed through transparency including in the handling of the five fields of study. It is seen that the majority of informants/respondents who stated that the handling of alleged corruption in this case

in terms of transparency turned out to be going very well. This finding was followed by the handling of poor service issues, and then followed by the handling of cases of discriminatory treatment, and then behind it was a case of abuse of authority. What is unfortunate is that there are not many informants/respondents who see that handling the problem of using the wrong discretion is very good. It can be suspected that the abuse of authority and discretion which is one form of authority is still a sensitive issue within the National Police.

#### **Barriers and Support**

The results showed that handling the issue of using the wrong discretion faces the highest enormous obstacles. The next very big obstacle relates to handling abuse of authority. The findings showed that the highest enormous obstacle that must be overcome in handling cases is incorrect use of discretion. Consistent with the foregoing description, this finding makes it clear that the problems that underlie the misuse of discretion are indeed significant. This problem stems from the still weak understanding of discretion and its use. Therefore, it requires commitment from all related parties to make it sturdy and strong. In this study it was revealed, the highest level of support was apparently given to the handling of suspected corruption. This proves that the enthusiasm of all levels of society to eradicate corruption, including those that are contagious within the National Police, has indeed reached a proud level. Critical demands from the community for good police services were also raised here. On the other hand, the new atmosphere covers, firstly the problem of the use of erroneous discretion and secondly the problem of abuse of authority. Previously each was shown to face the highest obstacle and the second highest.

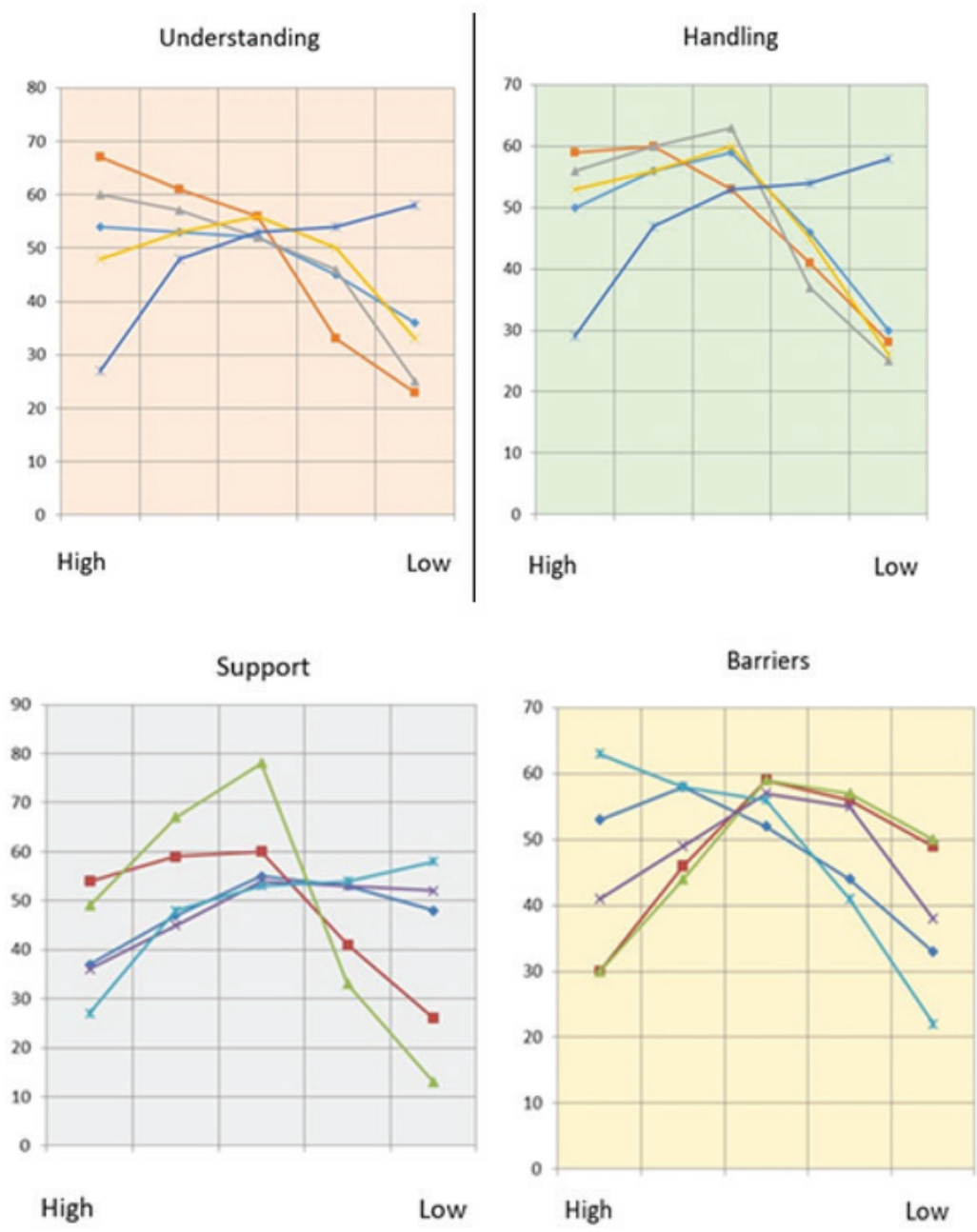


Figure 1. Understanding, Handling, Support and Barriers of Police

### Linkages

The linkage is intended to examine how each of the National Police Development Pillars are: budget planning; human resource development; provision of facilities and infrastructure; professionalism development; and strengthening the independence of the National Police will affect the Field of Study and its handling, which has already known consists of: abuse of authority; alleged corruption; poor service; discriminatory treatment; and incorrect use of discretion. The findings show how professionalism is really related to handling police performance issues in a number of ways. First, the wrong use of discretion, only the second, abuse of authority. This is understandable given that as a profession, the police are characterized by certain specifications relating to intellectual or theoretical expertise as well as technical, training and education, competence, organization, discipline and code of ethics, as well as commitment to altruistic services (public services)<sup>7</sup>. Only by mastering these specifications in other words only by professionalism, discretion and authority of the police in general can be understood and used properly and correctly.

**Independence**

In general, the findings show that independence has a high relationship with all categories or fields of study, along with its handling. In particular, independence has a very high relationship with: first, the alleged corruption and second, the abuse of authority. This proves that the handling of the alleged corruption requires the party assigned to avoid ‘intervention’ from all directions, both from the internal and external sides of the National Police. Independence is very much needed here, precisely because of the nature of the case of the alleged corruption itself which castrated independence through the flow of collusion and nepotism, but it needs to be distinguished between ‘intervention’ and ‘participation’. The term ‘participation’ does not deny independence at all, it actually strengthens independence in the context of synergistic partnerships, because only those who take part, not those who depend, can partner and work together in a healthy manner.

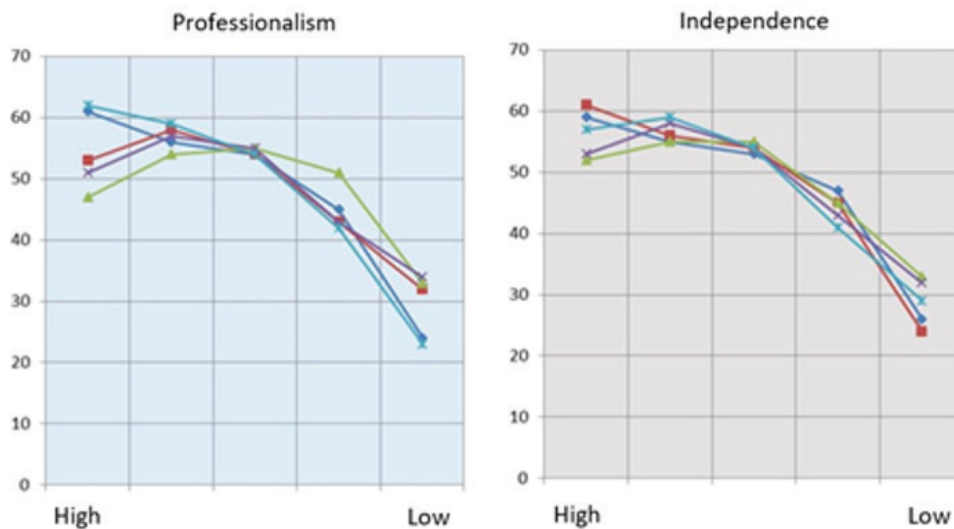
**Budget**

Similar to the previous description, in general the budget has a high average relationship with all categories or fields of study and their handling. In particular the budget has a very high connection with alleged corruption and poor service. This makes sense because only with an adequate budget, corruption, especially the element of corruption is expected to be prevented. Also with an adequate budget, service for the community is expected to be improved. Good and

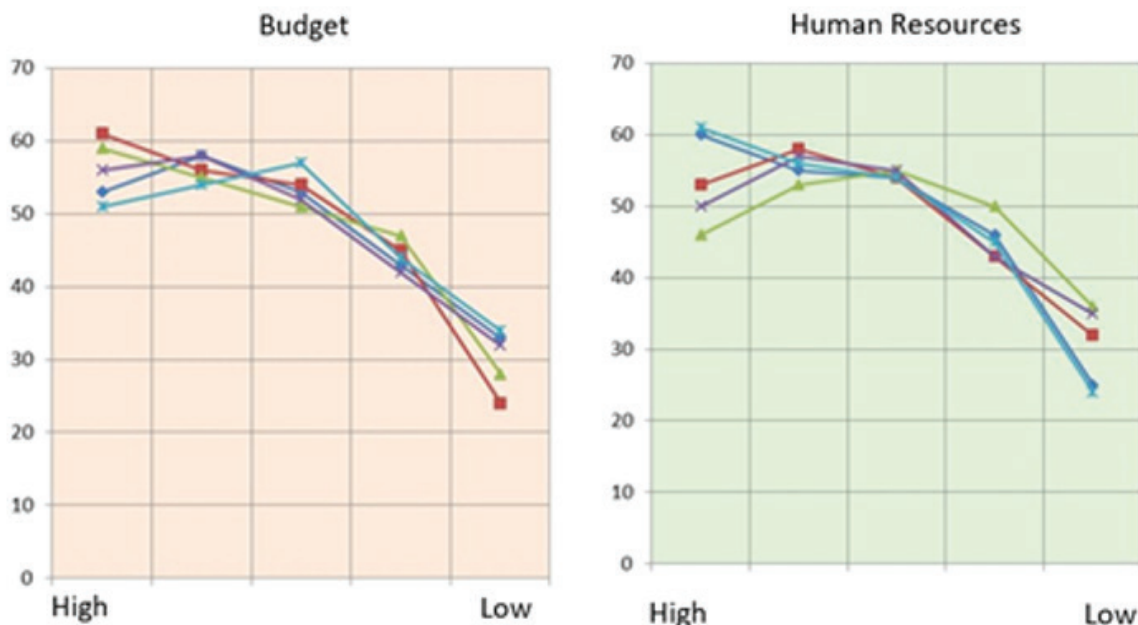
correct budget planning is thus expected to be able to control the creativity ’of police officers in the field in order to find additional costs to cover the shortfall in the cost of carrying out their duties and to boost efforts to improve community service standards. Among all categories, the very high linkage between the budget and the use of erroneous discretion is the lowest. This relation should not be read as if handling the case of the use of the wrong discretion does not require a budget. For the wrong use of discretion, so far the relationship has focused on professionalism.

**Human Resources**

The findings are in line with the previous exposure, in general the relationship between the human resources of the National Police with the overall categories or fields of study and their handling is quite high. But this time what happened to professionalism turned out to be repeated again. In particular, the very high linkages of the Indonesian Police Human Resources are by handling the problem of using the wrong discretion and handling the field of abuse of authority. This is understandable because discretion can be used appropriately and authority is not misused only by qualified police human resources, within the scope of the police, this means professional police human resources. It is at this point that professionalism and HR work in handling cases of misuse of discretion and handling abuse of authority reaches a meeting point. In other words professionalism is apparently identified with HR: talking about professionalism means talking about HR and professionalism.



**Figure 2. Professionalism, Independence, Budget and HR**

**Cont... Figure 2. Professionalism, Independence, Budget and HR**

### ***Facilities and Infrastructure***

The finding shows that Polri's facilities and infrastructure are generally related to all categories or fields of study, as well as handling them at a high enough to high level. But specifically, the facilities and infrastructure of the National Police are related to very high levels first of all with the poor service category. The informant/respondent seems to rationally associate poor service with the availability of adequate police infrastructure and facilities.

The point is, if the problem of police performance in the field of poor services is raised, then the solution should be sought first through efforts to provide adequate facilities and infrastructure for the Police. It is common knowledge that so far the poor service of the National Police has largely passed away to the pillars of the development of the National Police's infrastructure and facilities, in this case being limited to other pillars.

The study also revealed that there were actually some informants/respondents who did not know how the actual linkages between the National Police development pillars were professionalism, independence, budget, human resources, as well as Polri facilities and infrastructure by handling police performance issues. However, there are some informants/respondents who have been able to see the relationship between the two. Others understand that

the pillars of the development of the National Police are not only related, but also affect the handling of police performance issues.

Most informants/respondents then came to the understanding that independence was ranked third, professionalism was ranked second, and police HR was ranked first, in terms of the most related or most influential, both the process and the results of handling. On the other hand there are some informants/respondents who judge that all the same are related or influence, the process and/or the results of treatment. The findings at least illustrate that the police performance problems that have been complained by the public, namely the abuse of authority, suspected corruption, poor service, discriminatory treatment, and the use of erroneous discretion following the process and handling do have a common thread with the pillars of the development of the National Police, namely development professionalism, stabilization of independence, budget planning, human resource development, and the provision of facilities and infrastructure of the Indonesian National Police. From one side to be able to resolve the policing issues, the National Police development pillar needs to be upheld. From the reverse side, it can also be said to be able to uphold the development pillars of the National Police, the problem of police performance needs to be resolved.

Thus, the relationship between the performance of the police and the development pillars of the Indonesian National Police is essentially reciprocal. The answer to the question about which direction to go is based on the needs that exist, according to the context of space and time. The task of all parties is to make the relationship optimal for the progress of the police in particular and for the welfare, justice and prosperity of the Indonesian people in general.

### Satisfaction

In general, the level of satisfaction of informants/respondents towards the overall handling of police performance issues is actually quite high to high. But in

particular, the respondents' very high level of satisfaction with the handling of police performance problems in the field of alleged corruption was the highest, followed by poor service and discriminatory treatment. This could mean that the handling of the problem of police performance in these fields really meets the expectations of the community. One component that contributes to the achievement referred to may be intense promotion, both from the National Police itself and from other parties regarding the need for efforts to improve the handling of police performance problems in these three categories. The weakest point lies precisely in the wrong use of discretion which is then followed by abuse of authority. Once again, these two categories indeed need deeper and broader attention from all parties for their improvement.

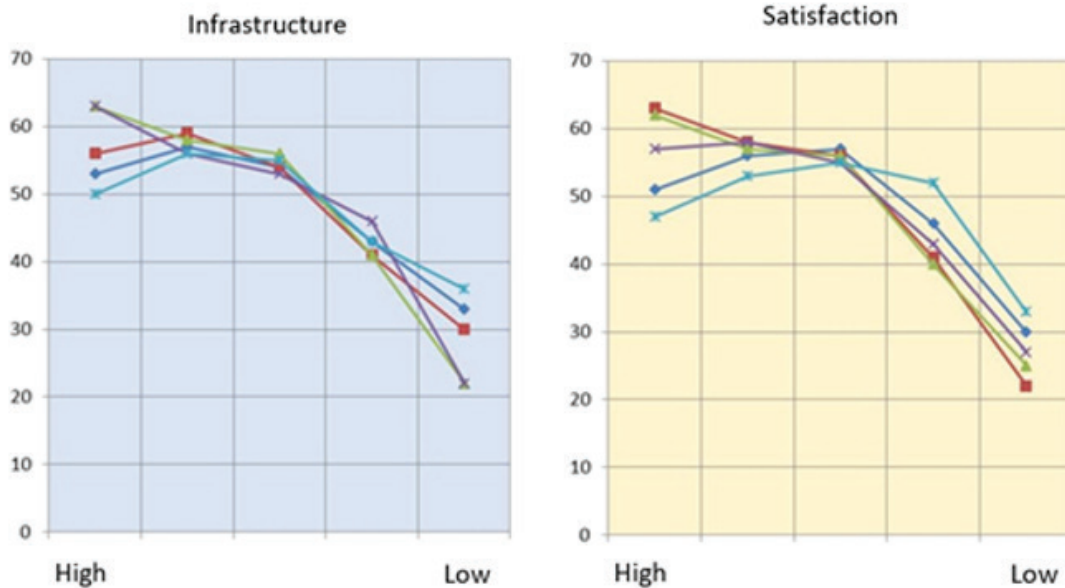


Figure 3. Infrastructure and Satisfaction

### Conclusion

This study shows that there are at most informants/respondents who are well aware of what is meant by police performance problems in the field of alleged corruption, followed by poor service. This can be understood because since the reformation of corruption and poor service has been a major issue that has surfaced in all public institutions, including the National Police. What is least understood is the area of incorrect use of discretion. Even if they understand, discretion is usually considered as an abuse of authority.

In this case, the handling of alleged corruption was stated very well by the most informants/respondents. Handling the problem of using the wrong discretion was declared very good by at least informants/respondents. This finding seems to preach that all parties' understanding of police discretion and its application is apparently far from expectations. Even though the police leadership itself has underlined on various occasions that police members are essentially bearers of discretion. This study also revealed that the highest obstacle was actually faced in the handling of the problem of using the wrong discretion, while the highest very large support was apparently given to the

handling of the alleged corruption. The issue of police performance and its handling has a common thread with the pillars of the development of the Police. In this case, if professionalism is really related to handling the use of incorrect discretion, then independence and budget have a very high relationship with the alleged corruption. Overall independence ranks third, professionalism ranks second, and human resources ranks first, in terms of the most related, or most influential, processes and results of handling of police performance problems. Thus, the very high level of satisfaction of informants/respondents regarding the handling of police performance problems in the field of alleged corruption is the highest and the weakest point lies precisely in the wrong use of discretion. In this regard, the very high need to improve the handling of police performance problems is related to the field of incorrect use of discretion.

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**Conflict of Interests:** There are no conflict of

interests

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