The Role And Effectiveness Of The National Police Commission In Enhancing Police Performance

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Abstract: This research aimed to provide clarity about obstacles of the National Police Commission in its efforts to improve the performance and solutions of these matters. This research utilized a normative-empirical method. The data collection was done by interviews and library research. The findings of this research were; 1) the lack of budget resulted to the limitations of the National Police Commission in carrying out their duties, 2) the budget that is still managed by the coordinator minister for political, legal, and security affairs affected the national police commission’s flexibility in managing management institutions and work programs, 3) lack of personnel from national police commission was one of significant obstacles because several people in the National Police Commission were not likely to carry out effective tasks towards thousands of police from the headquarters, regional police and resort police.

Index Terms: The National Police Commission, The Role and Effectiveness, Police Performance

1. INTRODUCTION

Etymologically, the word “kepolisian” derived from the root word ‘polisi’. According to Kelana (2009), “polisi” is defined as: “It is all things related to the functions and institutions of the police. The matter is everything related to duties, organs and officials of police, the association between police officers and organizations and their relationship to science”. Aside from universal things, the concept of the police in each country has their own characteristics related to the existence and identity of each police force. In accordance with the purpose of criminal law as a public law, the main purpose of criminal law is to protect the public interest as a collectivity of actions that threaten them or that harm them both from individuals and groups of people (an organization). Various social interests include peace, tranquility and orderliness in society. Criminal is a legal regulation concerning criminal. The word ‘criminal’ means ‘criminalised’, that is, by the authority that is delegated to a legal person as an unpleasant thing and also that is not routinely delegated. There is definitely a reason to delegate this crime such as a linkage with a situation, in which a person acts bad things.

In implementing the law itself, an institution is required to implement the regulations that have been made. In this case, it is known as the criminal justice system yet the implementation of the criminal justice system still has many weaknesses in various aspects. One of these weaknesses comes from positive legal instruments that yet fully supported the establishment of a transparent and accountable criminal justice system. These weaknesses can also influence the failure of the criminal justice system to achieve its objectives.

The existence of several criminal justice subsystems with different functions discloses opportunities for interest conflicts or overlapping tasks. To avoid the implementation of such a criminal justice system, the necessity for general principles is employed as guidance for all subsystems in carrying out their functions and authorities in order to achieve their objectives. One of the instruments of the criminal justice system is the police. The leadership of Indonesian Armed Forces (DEPHANKAM / ABRI) has taken the policy and started the separation of the Indonesian National Police from Indonesian Armed Forces on April 1st, 1999. The policy is based on INPRES No. 2 Year 1999 which instructed MENHAKAM / PANGAB to prepare the renewal of the National Police Law and other related laws. Moreover, it gradually separates the system and implementation of the development of ABRI’s strength and operations, and placed it on Indonesian Armed Forces. The police certainly have a great responsibility in carrying out its duties and functions as public servant. However, the facts have shown unsatisfactory results, police institutions often get the spotlight due to the poor performance of the police itself. Hence, there must be a supervisory institution formed to overseeing police performances which is the National Police Commission. The idea in forming the police is as an institution in purpose of serving the community and ensuring the environments becomes orderly and secure. The concept of a police must be all about prevention. However, in fact, the officers often practice action’s function rather than prevention’s. The police are expected to be able to educate every citizen not to violate acts prohibited by the state. For this reason, the statement of problems focused on:

1. The deterioration of public reliance towards the Indonesian national police’s performances due to the lack of professionalism of the police in carrying duties as community protectors is a reality that lives in today’s society.
2. It is the deterioration of public reliance towards institution of police that is behind the establishment of a supervisor institution. It is expected to be able to monitor and enhance the performance of the Indonesian National Police from deterioration. The institution is the National Police Commission.
As the problems have been stated above, the major purpose of this research is to provide clarity on the obstacles faced by the National Police Commission in an effort to enhance the National Police’s performance and the solution of the found issues.

2 LITERATURE REVIEW
The legal position as the highest supremacy in state-society order is not something that just happened. The long process has taken place until the world community has agreed to put the law as one of the written guidelines that must be obeyed in order to achieve order, safety and justice together (Salim, 2001). However, the process of law issues cannot be enforced simply because there are factors such as social culture, psychological conditions, political pressure and various individual or group interests that affect law enforcement. Law enforcement must also go side by side with good relations among law enforcers whose duty is to improve the quality of work, institutions such as the judiciary, prosecutors, police and lawyers. They must be able to work well together to discuss about issues of rights and obligations in the legal system of the state (Koto, 2013; Muradi, 2009; Poesponoto, 2003). Law enforcement is a whole series of activities to maintain the rights and obligations of citizens in accordance with the human dignity and their respective responsibilities based on their functions in a fair and equitable manner. Those are also based on the rule of law and legislation that embodies Pancasila and the Constitution of the Republic of Indonesia of 1945. The whole activities of law enforcers towards the establishment of law, justice and protection of human dignity, order, peace and legal certainty must be based on the Constitution of the Republic of Indonesia of 1945. Additionally, attribution is a form of authority which is based on or given by the Constitution to a state institution. The authority can be continuously carried out on its own initiative when it is needed in accordance with given boundaries. Furthermore, it discusses how an individual arranges an explanation from questions (Husen, 2010; Sulistyo, 2008; Zain, 2009). An authority is a common term used in public law. However, there is a difference between these two. Authority is called formal power; originated from constitution while power is only about an authority.

3 METHODS
This is an empirical normative research (Najwan et al., 2015). The empirical normative method is utilized because it involves two main aspects; the formation of law and the implementation of law. Data collection was conducted by interviews and library research. Library studies were used to obtain the data deriving from primary, secondary, and tertiary legal materials. Moreover, interviews (Johnson & Christensen, 2008; Lincoln & Guba, 1985; Miles & Huberman, 1994; Marshall & Rossman, 1999; Patton, 1990) were done and taking samples of public opinion were done as well. We used interviews as a data collection tool done by asking questions directly to the participants guided by an interview protocol (Mukminin, Kamil, Muazza, & Haryanto, 2017). We also collected documents to support the research. The interviews focused on the national police commissioner and inspectorate general personnel. The data, then, were analyzed qualitatively to answer the research questions.

4 RESULTS AND DISCUSSION
4.1. The Roles of National Police Commission in Enhancing the Performance of National Police
In National Police Commission Constitution, one of the roles of the National Police Commissioner is to provide input to the president in giving consideration to candidates for the National Police Chief. National police is given the authority to choose the best police officers to be selected and observed so that they are expected to be able to get several candidate people and be handed over to the President. President, then, decides one of the candidates to be the National Police Chief. This process is expected to be able to produce a police chief who is truly in accordance with public expectations. From the interview findings, it can be seen that this authority has proceeded as it should. Based on the Constitution Number 17 Year 2011 about National police Commission, the mechanism in selecting the National Police Office has been in accordance with the Constitution. The Constitution states that it provides an authority in terms of giving consideration to the Presidents in selecting National Police Chief. Therefore, the coordination between the National Police, Kompolnas, and the President are in line with the appropriate way of looking for National Police Chief. Another authority that National Police Commission has is obtaining complaints from the society regarding to Polices’ performance. Based on the interviews, National Police Commission believed that the function has worked properly. The National Police is coordinating to hear criticism from National Police Commission if there are public complaints either administratively or directly. The National Police as a partner institution of National Police Commission is considered decent in carrying out tasks regarding constructive criticism. According to the author, this matter must also be improved in terms of complaints procedures to National Police Commission. Many people do not understand how to deal with complaints in National Police Commission. In Role Theory, there are collective behavioral devices that are expected to be owned by the organization. They have dynamic position on status. The function of National Police Commission has been as expected. It is simply because the National Police Commission must make a professional institution to receive the complaints about the dissatisfaction or injustice by the community towards the National Police. National Police Commission is not able to deal with all the issues in daily society. Hence, it is expected to cooperate from the community actively in reporting if there is some kind of irregularities that is seen or felt to the police. Then, a good cooperation is formed to achieve the objectives of the law itself. There have been many revealing things about illegal levies towards polices. The public dissatisfaction to the police has also become a public secret in the community because it has become entrenched and is a common thing to find in society. Based on the interviews, the National Police are considered to be carrying out a fundamental mental revolution in eradicating extortion culture in the Police Institution. It can be seen from the eagerness of forming an illegal levies force (Saber Pungili) to carry out the actions, headed by Mekopolhukam and carried out by Inspectorate of General Supervision. According to the author, there was an improvement seen by the community in this illegal levies revolution because the level of coverage was wide up to the Regional Police and the resort police. They have illegal levies increased respectively. The National Police in crime, then, began to realize not to do it due to actions and
the authority of Hand Catch Operation (Operasi Tangkap Tangan/OTT). The OTT program is the main weapon to prevent the illegal levies. The society expects more on this program so that this program is not only short-term but be a long-term eradication of illegal levies prevention. The role of the Police in the case of prosecution became a spotlight because they often prioritize the function of prosecution rather than prevention while the tradition is contrary to the mission of the National Police, which is public awareness. From the results of the interview, there are three broad functions of the National Police namely Maintenance of Community Order Security. It is a preventative function by placing one brigadier in one area with the aim of bringing personnel closer to the community in a fast response. Then, there is the law enforcement. It is supposed to act fast if there something happens. The last one is protection. Protection and community service are prevention functions with the conclusions of these three functions, two prevention functions and one action. According to the author, theoretically is already proper yet it needs improvement in terms of implementation. It is because the implementation did not work properly in the midst of society. In terms of socialization, a massive socialization process is needed to notify the society about the development of work programs. The transparencies of cases and law enforcement processes are being carried out by the Police have not met the expectations due to financial issues. Mental revolutions has not implement by the police, so the society just followed the current situation. According to the author, the National Police needs to find a solution to this matter because it is important for the public to obtain information. The Police are obliged to discover solutions to budget problems. The Chief of Police as the highest leader needs innovation in designing work programs and adjusting the budget ceiling. There must be a priority to immediately improve. Hence, the society needs are prioritized in the program. The management capability is needed to manage the budget in order to hit on target and administrative success, program success and achievement success.

4.2. Obstacles / Constraints of National Police Commission in Supervision of the National Police Performance

In carrying out the tasks given by the Constitution of National Police Commission, it revealed several obstacles in carrying out duty. Based on the results of interviews, for example, there were 430,000 (Four Hundred Thirty Thousand) members of the Police at the Headquarters, 33 Regional Police, about 500 Police and 5000 Police Offices, all of which were merely supervised by 6 National Commissioners. It became a technical and also budget obstacles that is not yet independent. It is still attached to Coordinator Minister for Political, Legal, and Security Affairs. According to the author, the constraint is quite principle since human resources are the main foundation of an achievement. It is not possible for the National Police Commission personnel be able to effectively monitor thousands of Police personnel. In addition, a minimal budget and being not independent yet are other obstacles faced by National Police Commission in improving National Police Commission performance. An institution must be given the independence to develop itself. However, the National Police Commission budget is still in Coordinator Minister for Political, Legal, and Security Affairs causes the limitation of National Police Commission’s activity. This is also not in line with Role Theory which puts forward an effective function. The effects of the lack of budget on National Police Commission performance must be improved. An independent budget of National Police Commission as an institution determines the institution’s policies to achieve an improvement of the National Police performance. There is also a structure in National Police Commission which contains several state officials such as Coordinating Minister for Political, Legal, and Security Affairs, Ministry of Home Affairs, and Ministry of Justice and Human Rights which are feared to disturb the performance of National Police Commission itself in terms of independence. From the results of the interviews, it was revealed that officials at the ministry level had a complicated duty to manage their respective ministries. This became an obstacle in carrying out their duties simply because these Ministries had no enough time to National Police Commission. According to the author, this obstacle is a limitation for National Police Commission because the nature of collective leadership elements certainly requires a lot of time intensity in work. Moreover in terms of monitoring thousands of police personnel who are dynamic in carrying out their duties every day, it is necessary to improve the performance of the National Police. Based on Role Theory, these findings are contradictory. This is certainly a serious obstacle when the improvement of National Police Commission is still going on yet it is constrained by commissioner’s time and focus. Therefore, it is necessary to put the optimum people in National Police Commission commissioner who will be full dedicated in the sake of improvement of National Police’s performance. In terms of budget, the National Police of the Republic of Indonesia on National Budget 2016, for example, has a budget of 73 T. Then, 73 T is 70% spent on paying salaries. It remains 30% for operational financing. Practically, only 30% of 70 T (21T) does all activities. The detective merely received 30% objectively. It triggered other officers to do other activities to get more financial. It is clear that financial matter is one of the significant issues to be resolved since National Police needs operating fees in carrying out their duties. However, they were not being supported financially so that it is hard for National Police to be a professional and independent institution. In terms of National Police services to the community, the issue of service is prominent to notice. Nowadays, society demands sophisticated services. It can be seen from the result that National Police keeps improving their institution in providing service. Technology-based service is expected to be fulfilled. The issue is not merely purchasing the stuff but also how to operate the stuff. It surely needs trainings for the police officers. However, the lack of budget became the issue in improving police’s performance. Nowadays, police officers are expected to be “technology literacy”. In addition, they are able to operate it as well in order to make the society satisfied in receiving service. Furthermore, the theory of Role states that a function is a measuring instrument. It came to conclusion that it is obvious these obstacles are faced by National Police and society at the same time. Aside from National Police Commission, the National Police also has internal supervisors known as Inspectorate General. It can be seen from the interview results that General Supervision has more personnel than National Police Commission from Headquarters to Regional Police and Resort Police called Regional General Supervision Inspectorate. It has a lot of personnel yet the problem lies in the rank system. General Supervision has a lower rank which is able to investigate on police officers with...
higher ranks. It became a dilemma on police institution because the rank system is an issue of the independence. In addition, in the Theory of Role, it is necessary to have an impact function, but in the case that does not work, the impact of General Supervision itself requires a deep improvement of technical matters in improving the performance of the National Police. Hence, the presence of General Supervision is not merely a complement but also a tool to improve the police’s performance in general.

4.3. Enhancement Efforts in monitoring the improvement of the National Police Performance by National Police Commission

In terms of National Police Commission supervision, society sees hope for improvements in the work program agenda by National Police. It certainly requires a long-term program planned by the National Police to reach unreached aspects so far. This major improvement has planned with the long-term program of National Police. It can be seen from the interviews that one of the long-term programs is, then, the electronic ticket. National Police Commission encourages objectifying the program in the beginning of 2017. The system would capture the license plate number if there is a violation. The bill would be sent to the owner’s address to be paid via Automated Teller Machine. In fact, this program is created to avoid the association between the violators and the officers. The fund goes to the state treasury automatically. The finding of this study build upon the interview that this long-term program has ran well enough to prevent illegal practices. In addition, this program is also in line with the ideals of creating a professional and independent National Police, and then in line with Role Theory as well. The prevention is carried out on existing security posts to be improved. Based on the Constitution of Indonesian National Police Number 2 Year 2002 clearly stated that the roles of police are providing security, protection and service to the community. Furthermore, it can be seen that in term of population demographics, many remote areas are still lacking security posts. These places must get more attention to maximize the security of local residents. In fact, the distance between one post to another posts should not be too far away due to anticipating crime occurrences. Based on this finding, it clearly describes the incompatibility of incompetent implementation with the Constitution Acts itself. Community legal awareness is significant to minimize disobedience to the legal itself. National Police commission designs the level of legal awareness of Indonesian society in general. The results from the interviews revealed that there is no exact measurement quantitatively yet qualitatively since the variable is education. The society has a little comprehension towards the legal because the majority of them are uneducated in legal. It can be seen from most of society’s allibies in violating the rules has minimum knowledge about legal. From the result, it showed that this is contrary from the theory of role. The officers have not educated the society about legal awareness maximally. At the same time, the community does not have the legal awareness as well. It is expected that the lack of legal awareness is not an issue anymore so that both ways could cooperate well. Another issue is when National Police commission only focuses on normative problems. This institution merely supervises work programs not Indonesian Police’s or other officials’ statements. Most of the time, these statements trigger a recent issue. The outcome leads to the unsatisfactory of the society toward Indonesian National Police. They assumed that National Police Commission did not evaluate it in advance. This issue contradicts the authority theory which focuses on the substance of authority. The National Police Commission realized the anxiety of society becoming the public issue. This institution needs to coordinate the system to prevent horizontal conflicts in the midst of community. This is related to vision and mission of Police which is an institution to maintain the stability of the country. It may not trigger the conflict in the midst of community but become a role model in servicing society.

5 CONCLUSION

The role of National Police Commission in its establishment goal has not reached the aim yet. This is because National Police Commission did not comprehend the work description in Presidential Regulation Number 17 Year 2011 about National Police Commission. It can be seen from the way National Police Commission comprehend its supervisory functions which merely focuses on supervision of police work programs. However, the institution has not utilized the supervisory functions to provide considerations to the president regarding police official whose attitudes and words often make people dissatisfied. The police are expected to be able to provide a sense of security and comfort which often leads to horizontal conflicts more intense. The public’s dissatisfaction has not been able to be responded by National Police Commission. The lack of budget generated the limitations of National Police Commission in carrying out its job. This cause is due to the linkages with Ministry of Security Affairs. The budget is still in the ministry creating National Police Commission not flexible in managing agency and work programs. In addition, state officials such as Coordinating Minister for Political, Legal, and Security Affairs, Ministry of Home Affairs, and Ministry of Justice and Human Rights become an issue for National Police Commission. The police officials have roles in those ministers and National Police Commission at the same time. This certainly affects the effectiveness of the work program. It turned out these police officials may not provide their ideas. The time limitation established lack of intensity. The last but not least, the lack of personnel from National Police Commissioner created a principal issue because few officers in the institution carry out the duties in supervising thousands of personnel from the Headquarters, Region Police and Resort Police.

REFERENCES


