

**Neutralization of The National Police in The General Election in  
Maintaining The Collapse of The Unitary State of The Republic of  
Indonesia**

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| Article Info                                                                                                                                     | Abstract                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>Received: 2024-6-20<br/>Revised: 2024-11-30<br/>Accepted: 2024-12-19</p> <p><b>Keywords:</b><br/>Professional, Police,<br/>Neutralization</p> | <p><i>The glue in democracy, especially in the run-up to the 2024 elections, is a stronger civilian authority accompanied by optimal parliamentary oversight, and the creation of professional security actors (military and police). "Professional" means the military (and police) are not involved or involved in politics. These two things are the main indicators in seeing how the quality of democratic consolidation. Moreover, the professionalism of security actors is in line with the democratic system of government. But in the context of Indonesia, one of the challenges of all-digital democracy is the effort to create professionalism of security actors so that they are involved in the political frame; or commonly called TNI/Polri neutrality. This paper will analyze specifically the neutrality of the National Police in the 2024 election process. There are two considerations to this review. First, because the National Police carries out security and public order functions in the community; including in this case maintaining the security of the 2024 election. Second, because the National Police also has a preventive function to prevent security disturbances, especially before the election. In general, this function is carried out by every member of the National Police, but specifically the preventive function in the form of detection of potential security disturbances at the village level is attached to Babinkamtibmas members.</i></p> |

## I. Introduction

The context of Election development when viewed in the 2019 election, there are 2 implied meanings, namely ripening or heating. This begins from the 2017 DKI regional election which is then followed by the 2018 regional election and ends in the 2019 election. So that the issues and various materials used to heat the situation are sustainable," for the 2024 election, there will be no 2022 regional elections because the term of office of regional heads that expires in 2022 is not filled through regional elections, but by the acting (Pj). Likewise, regional heads who expire in 2023, are also filled through acting (Pj) or not through Pilkada.<sup>1</sup>

Socio-political changes occur at the level of political institutions. This is often referred to as institutional reform of politics and government in Indonesia. Some of them are building competition mechanisms in elections that are more open and fair, the party system is no longer monopolistic through the implementation of a multiparty system, the separation of powers in the Trias Politica institution (executive, legislative, and judicial) and limiting executive power, and the professionalism of security actors.<sup>2</sup> All these changes are nothing but a form of commitment to the choice of a Democratic political system.<sup>3</sup>

Talking about the 2024 election, it is very closely related to the democratic system. An election can be held Of course on the basis of a country that adheres to a democratic system of government where people have the right to voice their aspirations. One form of aspiration is to participate directly elect the head of state, regional or use their voting rights in legislative elections but democracy is not the power lies at the top of the highest leadership or ruler but the power is fully in the hands of the people.<sup>4</sup>

The important thing at this time of democracy is how the state tries to solve various socio-political problems that occur.<sup>5</sup> As happened in Indonesian politics after the end of the Orba government, several political issues were seen, including the attraction of interests in Parliament and the "reluctance" of the military to give up its involvement in politics.

Ahead of the 2024 elections, Indonesia continues to enter into such complex democratic problems. But despite these complexities, there is hope that Indonesia

<sup>1</sup> Hasyim, "Hasim Jelaskan Beda Situasi Pemilu 2019-2024," *Komisi Pemilihan Umum*, 2023.

<sup>2</sup> Fradhana Putra Disantara et al., "EKSTENTIFIKASI KEWENANGAN MAJELIS KEHORMATAN MAHKAMAH KONSTITUSI DALAM MEMPERKUAT GAGASAN CONSTITUTIONAL ETHICS," *LITIGASI* 1, no. 24 (April 30, 2023): 40–63, <https://doi.org/10.23969/litigasi.v24i1.7232>.

<sup>3</sup> Sarah Nuraini Siregar, "Netralitas Polri Menjelang Pemilu Serentak 2019," *Jurnal Penelitian Politik (LIPI)* 16, no. 1 (2019): 36.

<sup>4</sup> Martin Roestamy, "Mencari Demokrasi Pancasila Menghadapi Pemilu Tahun 2024" (Jakarta, 2023).

<sup>5</sup> I Gede Agus Kurniawan, "The Reconstruction of Subjectum Litis in Term of Reflections on Constitutional Dissolution of Political Parties," *Jurnal Akta* 9, no. 1 (2022): 104–19, <https://doi.org/http://dx.doi.org/10.30659/akta.v9i1.20970>.

will not become a 'failed state' as feared by many parties. On the contrary, seen from the democratic transition, Indonesia can achieve as a relatively solid 'formal democracy' country so that it can be used as an example as one of the countries that achieved democratic consolidation from the democratic transition<sup>6</sup>. When democratic consolidation is achieved, Indonesia hopes to be included in the category of "advanced/consolidated democracy" countries that are seen as able to realize political and economic stability.

Already the previous presidential election, the hope of the 2024 election is the creation of democratic consolidation is a stronger civilian authority accompanied by optimal parliamentary supervision and the creation of professional security actors (military and police). "Professional" means the military (and police) are not involved or involved in politics. These two things are clearly the main indicators in seeing how the quality of democratic consolidation. Moreover, the principle of professionalism of security actors is basically in line with the democratic system of government. However, in the context of Indonesia, one of the challenges faced in the era of democratic transition is the effort to create professionalism of security actors so that they are no longer involved in politics; or commonly called the neutrality of the TNI/Polri.

In this paper, there are two considerations in analyzing specifically the neutrality of the National Police in the 2024 election process. First, the National Police carries out security and public order functions in the community; including in this case maintaining the security of the 2024 election. Second, the National Police also has a preventive function to prevent security disturbances, especially before the election. In general, this function is carried out by every member of the National Police, but specifically the preventive function in the form of detection of potential security disturbances at the village level is attached to members of the National Police Babinkamtibmas.

This right is considered to open up opportunities for neutrality problems, because there is no clear monitoring and benchmarks for the functions of Babinkamtibmas members when carrying out their duties in the field. Additional. Hierarchical structure in the police organization where its members carry out their duties based on the command of their superiors, then the preventive function inherent in Babinkamtibas can be "changed" according to the direction of their superiors.

## 2. Research Method

Research that is used is juridical normative, where research is done by tracing legal

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<sup>6</sup> Fradhana Putra Disantara, Bayu Dwi Anggono, and A'An Efendi, "Mendudukan Norma Etika: Perspektif Teori Keadilan Bermartabat Terhadap Relasi Etika Dan Hukum," *Rechtsidee* 10, no. 2 (2022): 1–13, <https://doi.org/10.21070/jihr.v10i0.773>.

material through literature studies. This study is descriptive Analytical that is to analyze the data systematically, factual and accurate about the problem under study. With the nature of the research carried out, the nature of the research is descriptive analysis, namely to provide data that is as thorough as possible, research is carried out on the neutralization of the 2024 election. The data collection tools used, namely: primary, secondary and tertiary legal materials which are then analyzed by Qualitative Analysis and then presented descriptively, namely by explaining, outlining, and describing the problems and solutions related to the formulation of the problem made.<sup>7</sup>

### **3. Results and Discussion**

#### **A. Aspects Of The Democratic System In The Police**

The character of the police institution will always depend on the country and its population. The police always reflect the nation (or region) in the political culture, history, development of society and economy in the country. This review shows that the social dynamics that occur in society also affect how the police carry out their duties in society.

The relationship between police and democracy can be reviewed through several aspects, namely:

- a) The role of the police as a state institution. The police is a state institution that conducts operations under civilian (government) authority. Such a role suggests that the police are the most clearly visible representatives of the state in society. That's why social relations will be very clearly visible between the police and the community.
- b) The relationship of the police with the principles of the democratic system can also be reviewed through the law enforcement function (law enforcement). Law enforcement is one of the principles in a democratic system. The state must therefore ensure properly to uphold the rule of law.
- c) From the philosophical side. The police in a democratic country have a philosophy that leads to the guarantee of the tranquility of society and its compliance with the law. Therefore, there is a strong functional relationship between the police and the community. The existence of the police is a guarantee of security and service to the community, both local and national. Thus, in almost all countries of the world, the police are non-combatants.
- d) Accountability. The police must also be able to demonstrate its accountability and not defend power. This is where the relevance of Police neutrality in politics comes in. The police is considered an institution that is in charge of safeguarding the interests of society without siding with any of the groups. Moreover, the police and society are two subjects as well as objects that are

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<sup>7</sup> Soerjono Dan Sri Mamudji Soekanto, *Penelitian Hukum Normatif. Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003).

inseparable from one another. The police was born because of the need of the community to maintain order, security, and peace of the community itself.

In highlighting whether the National Police is not involved in the political space can be analyzed through elections. As is known, in most democracies, elections are considered one of the fundamental benchmarks of democracy itself. The results of the elections, which were held in an open atmosphere with freedom of opinion and freedom of association, were considered to reflect the participation and aspirations of the people.<sup>8</sup> This process is often highlighted by various parties to the implementation of elections in Indonesia after 1998, because the process is the basis for assessing the implementation of quality and democratic elections.

A quality election process can be achieved through several conditions, namely the implementation of independent elections, open and fair competition of election participants, and especially, there is no longer intimidation and/or political alignment carried out by anyone, especially security actors. This prohibition is one example that states that both the TNI and Polri must be neutral.

The basis of the argument about the neutrality of the National Police in the election is absolute because on the one hand, the reflection of the neutrality of the National Police is the embodiment of independence, proportionality and professionalism of the existence and implementation of the work of the National Police. This is also what has been outlined in the police reform. Because, the role of the National Police is "Protector, protector, and public servant, law enforcer and maintainer of Public Security and order."<sup>9</sup>

The police are also required to be able to move freely and be able to adapt in the midst of people's lives. Therefore, in the appearance of a non-partisan attitude to the interests of the class or affiliation or practical political activity of a particular political party is decisive. This attitude of neutrality is a demand and reflection of the National Police institution as well as a model for the education of other citizens. For this reason, neutrality is the key word in seeing whether the spirit of professionalism of the TNI and Polri has been formed.

In its development, realizing police neutrality as part of a step towards a "professional" image was not easy. This difficulty is seen in both theoretical and empirical debates. Theoretically, for example, on the review of the relationship between police, democracy, and security functions. Thus sparking a new relationship that is: police and political interests, Police and political activity.

Professionalism for police officers is a key requirement which in essence is to serve (serve) and to protect (protect) that is, the duties relating to the comfort and

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<sup>8</sup> I Gede Agus Kurniawan, "Putusan Mahkamah Konstitusi Terhadap Undang-Undang Cipta Kerja Dalam Perspektif Filsafat Utilitarianisme," *JURNAL USM LAW REVIEW* 5, no. 1 (2022): 282–98, <https://doi.org/http://dx.doi.org/10.26623/julr.v5i1.4941>.

<sup>9</sup> Edi Saputra Hasibuan, "Mengenal Proses Hukum Dalam Kepolisian," *Justicia Sains: Jurnal Ilmu Hukum* 5, No. 2 (2021): 200–219, <https://doi.org/10.24967/jcs.v5i2.1286>.

tranquility of life both personally and socially and with regard to the security and safety of themselves, lives and property of those who are served and protected by the police. In addition, the law enforcement function is also attached so that social order can be guaranteed its sustainability and those who violate the law and damage social order can be prevented and handled in accordance with applicable law. Without ethical guidelines (codes of conduct) as a reference to act, police officers cannot professionally serve and protect citizens and carry out law enforcement actions. Meanwhile, proportionality in police duties is closely related to professionalism itself, where all the roles and duties of the National Police are carried out in accordance with their duties and responsibilities.

Polri stated that the existence of Polri facing simultaneous elections in 2024 is its role in maintaining security and order during the election implementation process, maintaining neutrality and not taking sides or conspiring with any political camp in carrying out its duties and authorities, following up complaints or criminal violations in accordance with laws and regulations, and helping secure logistics distribution. "Neutrality" has become a reference that has been repeatedly reminded by the National Police Chief General Sigit. Affirmation of neutrality is an obligation for every member of the police and does not involve themselves in practical political activities in the run-up to the 2024 election.<sup>10</sup>

Following up on the principle of Police neutrality, the Chief of Police stressed that all members of the police are obliged to maintain this principle. This is because neutrality is a benchmark in seeing the police as a professional law enforcement officer. The National Police is believed to be able to maintain neutrality and not take sides with any party in the 2024 election. The reason is, the current performance of the National Police cannot be separated from the supervision of the community. This is in line with the police's commitment when the simultaneous regional elections were held in 2018.

Neutrality, the role and functions of the National Police in facing the 2024 election must be prioritized and focused on performing various roles and duties as a state tool for fostering public security and order (Binkamtibmas), law enforcement (Gakkum apparatus) and protection, protection and Community Service officers.

In terms of law enforcement has two meanings, namely to act against violators of the law and prevent violations of the law. The emphasis of this assignment is directed to efforts to prevent violations of the law. Law enforcement that prioritizes law enforcement after a violation of the law will undoubtedly not be able to create legal order, because the violation of the law has occurred. This kind of situation is manifested in the form of the National Police's Binkamtibmas strategy which strengthens the deterrence and Prevention of Kamtibmas disorders, one of which is

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<sup>10</sup> Laili Rahmawati, "Perintah Netralitas Pilpres 2024," *Antara News*, 2023.

a violation of the law.<sup>11</sup>

Polri's statements and efforts to prove its commitment to neutrality should be appreciated. This shows that the National Police seeks to create instruments to fortify "itself" so that the political neutrality of its members can be maintained. However, at the empirical level, the assumption arises that the inclusion of the functions of protection, protection, and service to the community is related to certain goals.<sup>12</sup> Ideally, the goal is related to an attempt to create an image of the police closer to society. But there are also views that doubt whether these goals can be achieved.

However, there are concerns that precisely by carrying out the function of protection and service to the community, the police actually get the foundation and strengthening of the law to carry out activities outside its main function. In the name of the protection and protection of society, the police can be used to perform the political functions of the ruling regime. This assumption is in line with the theoretical review above, where the existence of the police becomes very difficult to be released from political activity, especially in the run-up to the 2024 election.

The politicization of the National Police that has an impact on the neutrality of the National Police is believed by some parties to be ongoing on several occasions, especially when approaching the D-Day of the 2024 election. Although the National Police does not have formal authority in the formulation of political policies, in many aspects the police still have influence in society, because the relationship between the two is inseparable.

### **B. The Relationship Of The Preventive Function Of The National Police With The Neutrality Of Members Of The National Police**

The problem of Police neutrality that had been sticking out in the 2019 election situation should be a correction to the police and the state (government) in supporting the 2024 election. However, the 2024 election is considered a "special" election because in addition to being followed by candidates who have fought in previous elections plus new fighters who are still very young not to mention the declaration of the presidential and vice presidential candidates where politics are always changing according to political chess conditions are also carried out simultaneously with legislative elections. In terms of contestation, the nuances of candidate competition are expected to be strong because of the influence between public political preferences at the national level.

The specialty of the 2024 election is widely seen by parties, including the international world. The successful implementation of this election will be an

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<sup>11</sup> Mhd.Sahnan Ariman Sitompul, Pagar Hasibuan, "The Morality of Law Enforcement Agencies (Police, Prosecutor's Office, KPK) in Money Laundering With the Origin of the Corruption," *European Science Review* 9, no. 10 (2021): 55–63.

<sup>12</sup> Fradhana Putra Disantara, Dicky Eko Prasetyo, and Badrudin Kurniawan, "Ethical Challenges and Political Corruption in the 2024 Elections: A Perspective on Dignified Justice," *Nagara Law Journal* 1, no. 2 (2024): 13–27.

academic review of the study of democracy and elections in various countries. Therefore, the guarantee of the smoothness, security and success of the simultaneous election must be supported by the government through the election organizers (KPU) and the National Police. Of course, the success of the election is not only successfully implemented, but also the achievement of better Election quality than the previous election; namely more transparent, honest, and fair.

The process to achieve the quality of this election became “disturbed” by the alleged non-neutral Police. This is ironic, because at the same time, the implementation of the 2024 simultaneous elections is also overshadowed by such complex security issues.

Based on Article 94 paragraph 1 letter (a) in law No.7 of 2017 on elections it is said that one of the tasks of Bawaslu in an effort to prevent election violations and disputes over the election process, Bawaslu identifies and maps potential vulnerabilities and election violations. On that basis, Bawaslu runs an effort in mapping the potential vulnerability of elections and elections in the form of activities called Election Vulnerability Index (IKP) which has actually been carried out since 2014. IKP's position is strategic to support the duties and authorities of Bawaslu in preventing and anticipating all potentials that can interfere with the implementation of democratic elections. For Bawaslu, IKP is an important instrument in mapping precisely the conditions and situations faced by every Bawaslu officer in the region in overseeing every stage of the election that is and will run. Towards the 2024 election, the role of IKP becomes more strategic to make every important finding in the dimension of the IKP instrument as part of the planning, implementation and evaluation of each stage of existing electoral supervision.<sup>13</sup>

Starting from Bawaslu's release of the 2024 election Vulnerability Index (IKP) which identifies a number of vulnerable areas, including including the SARA regional dimension as one of the aspects of vulnerability in the election. The politicization of SARA and the potential for hoax news are also contained in the results of the Bawaslu team's study which concluded that the politicization of SARA ahead of the simultaneous election had an impact on the potential for horizontal conflicts to be wide open and ultimately had an impact on the emergence of security issues ahead of the 2024 election. Where the crucial security issues ahead of the 202nd simultaneous election are the potential for social conflicts, SARA issues, primordialism, and community fanaticism. Radical actions that use violent means to achieve political goals is certainly a big homework of the police who have a preventive function to prevent this potential.

There are IKP 2024 indicators in the dimension of social and political context, subdimensions of phenomena or events that indicate violence, riots, intimidation or damage related to the election process in one region, namely :

<sup>13</sup> Aditsya Perdana dan TIM, *Indeks Kerawanan Pemilu 2024*, ed. Tim Editor Bawaslu RI, 1st ed. (Jakarta: Bawaslu, 2023).

- a) The existence of SARA-based violence/riots in political and electoral issues.
- b) The existence of violence / riots involving public/political figures / security forces.
- c) The existence of natural disasters that disrupt the stages of Elections / Pilkada.
- d) The existence of non-natural disasters (covid 19 pandemic) that disrupt the stages of the election/Pilkada.
- e) The existence of intimidation of election participants in the process of election/Pilkad.
- f) The existence of intimidation against election organizers in the process of election/Pilkada.
- g) The existence of intimidation of voters in the process of election/Pilkada.
- h) The destruction of election facilities.

We recommend that these two potential security disturbances (SARA politicization and the spread of fake news/hoaks) ahead of the 2024 simultaneous election should be the focus of the police's attention. These potential security disturbances should be anticipated by the National Police through their duties and functions as responsible for Public Security. However, this anticipation is allegedly not optimal because the function of the National Police, which should focus on preventing and overcoming potential security disruptions, is allegedly "used" to engage in political activities. There is no clear and measurable mapping and projection of prevention of security disturbances from the National Police in overcoming the potential for the above disturbances. From various media, it is seen that the police officers are more active in counteracting and cracking down on the spread of hoaxes and political lies. However, this action is reactive in nature because it is only carried out at a time when it (already) occurs in society. And unfortunately, this case continues to repeat and is getting more massive closer to the D-day of the 2024 simultaneous election.

#### **4. Conclusion**

Security responsibility is an effort to form a professional police. This means that all members of the National Police carry out their duties with a strong sense of independence and are not affected by politics. The police need to prioritize preventive efforts and action on any potential security disturbances, especially those that interfere with the process and implementation of this election but in carrying out these tasks can create a "vacuum" that has the potential to provide political movement (activity) to the police. This space which is actually theoretically and empirically often used by political elites including the authorities to empower police officers in the field. That is why there is a problem that accuses the police of not being "neutral", unprofessional, and not independent so that the space must be limited otherwise it is not only the Police; political activities can also be carried out again by the military.

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