

**Police Duties and Functions in Realizing Justice and Legal Certainty Under Police Law No. 2 Of 2002****Yoan Febriawan**

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**Keywords**Duties, Functions,  
Justice, Legal Certainty,  
Police**Abstract**

The National Police of the Republic of Indonesia (Polri) holds a crucial role in upholding security and public order (Kamtibmas) as one of the key state institutions. Governed by Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, this research aims to scrutinize and assess the duties and functions assigned to the police according to this legislation, with a focus on their ability to achieve justice and legal certainty. Employing normative research methods, this study relies on a literature review as its primary data collection technique. The collected data undergoes analysis through three stages: data reduction, data presentation, and conclusion drawing. The findings of this research reveal that under Police Law No. 2 of 2002, the functions of the police are outlined in Article 2. These functions encompass maintaining security and public order, law enforcement, protection, and community service, positioning the police as an integral part of state governance. Additionally, Article 13 delineates the primary duties of the police, emphasizing their responsibility in maintaining security and public order, enforcing laws, and offering protection, guidance, and service to the community.

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Email: [yoanfebriawan@gmail.com](mailto:yoanfebriawan@gmail.com)**INTRODUCTION**

The National Police of the Republic of Indonesia (Polri) is an institution that functions as a state instrument with a primary role in maintaining security and public order. The National Police is tasked with enforcing the law, ensuring that laws are applied fairly and evenly throughout Indonesia. Apart from that, the National Police also has the responsibility to provide protection, guidance and service to the community. This task involves various activities, ranging from routine patrols, handling crime, to providing assistance and public services in various situations. All of these functions and tasks are carried out with the main aim of maintaining domestic security so that people can live safely and peacefully (Baldwin, 2018).

In Article 1 of Police Law No. 2 of 2002, security and public order are described as a constantly evolving state within society, deemed essential for the advancement of the national development process to realize overarching national objectives. This state is defined by the assurance of security, the preservation of order, the enforcement of laws, and the sustenance of tranquility. It encompasses the capacity to nurture and enhance societal potential and resilience, enabling the prevention and mitigation of various forms of legal infractions and disturbances that may disrupt societal harmony.

The National Police of the Republic of Indonesia has limitations in terms of the number of personnel, availability of equipment and operational budget. Therefore, active participation from the community is needed in creating security and public order. In the context of the duty and role of the state to protect all its citizens, every government in the world is expected to provide civil services, public services and strengthen community empowerment through various policies (Arif, 2021). The National Police has duties and functions regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia.

Previous research by (Pandelaki, 2018) found that the implementation of law enforcement by law enforcement officials is based on applicable legal norms/rules to ensure legal certainty and justice for the community or for justice seekers. Police professionalism is measurable and able to guarantee security, public order in carrying out crowd control/demonstration activities, able to control themselves from violence and restrain emotions by providing training, socialization in dealing with demonstrators/demonstrators, and understanding of laws and regulations.

Another research by (Ranofika, Yayuk, & Nurmasanti, 2023) found that the implementation of special police in the perspective of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia can be said to have created a legal framework that provides a strong foundation for coaching, monitoring and enforcing discipline against the police. special. However, various efforts must also continue to be made to ensure compatibility between the implementation of special police and the legal objectives to be achieved. If the special police do not carry out the technical guidance instructions given by the Police, this is permissible. This is because the main task of the Indonesian National Police is to coordinate, supervise and provide technical guidance to the special police.

This research can contribute to law enforcement theory by enriching understanding of the implementation of Police Law no. 2 of 2002 in realizing justice and legal certainty. The findings of this research can be a basis for further research in the field of law enforcement and policing, both theoretically and practically. Further research could explore certain aspects not covered in this study or test the impact of implementing the resulting recommendations. The aim of this research is to identify and analyze the duties and functions of the police as regulated in Police Law no. 2 of 2002 and to evaluate the extent to which the police can realize justice and legal certainty based on these regulations.

## **RESEARCH METHODS**

This study employs normative research methods, commonly referred to as library research, which delve into document analysis. Utilizing various secondary data sources like statutory regulations, court decisions, legal theories, and expert opinions, this research seeks to understand legal phenomena. The primary data collection technique employed is literature study, which entails gathering information from diverse library sources, reading and recording pertinent details, and organizing research materials. The collected data undergoes three main stages of analysis. Firstly, data reduction involves simplifying and selecting relevant information aligned with the research focus. Secondly, data presentation entails organizing the reduced data systematically for easy comprehension and further analysis. Finally, conclusions are drawn by interpreting the presented data, determining its significance, and formulating final conclusions that support the research objectives.

## **RESULTS AND DISCUSSION**

The function of law, both as a rule and as a guide to behavior, is to direct human behavior. The influence of law is not only limited to compliance with regulations, but also includes the overall impact of law on human behavior, both positive and negative (Arif, 2021). Justice and legal certainty are two important aspects that support the stability and prosperity of a country. Justice lexically means equality or the act of equalizing. According to the general view, justice is maintaining individual rights. The definition of justice is giving rights to people who are entitled to receive them. Justice is a benchmark for the validity of an order in the life of the nation, society and state (Pandit, 2016).

Referring to the theory of legal certainty put forward by M. Yahya Harahap and Satjipto Rahardjo, the legal certainty in question is certainty regarding regulations that must first be submitted. Regulations regarding land acquisition for special flats must be explicitly stated in the PTUP Law. If the regulations are clear, citizens will know what they can and cannot do, so they can control arbitrary government actions (Rahmawati, 2024).

Achieving legal certainty entails ensuring that legal principles align with societal needs. Legal regulations that are rooted in and reflect societal norms contribute to real legal certainty, fostering harmony between the state and its citizens in their understanding and orientation toward the legal framework (Komeni & Widjajanti, 2024).

The pursuit of justice and legal certainty is manifested through policy implementations such as Police Law No. 2 of 2022 and Republic of Indonesia State Police Regulation Number 2 of 2022, which amends Regulation of the Head of the Republic of Indonesia State Police Number 15 of 2017 concerning the Determination of Level and Class Status Disabilities of Civil Servants in the National Police of the Republic of Indonesia (Syamsuddin, Saleng, Aburaera, & Muchtar, 2018).

The reform of Indonesian Police Law, Law Number 2 of 2002, aims to fortify the National Police's position and role within government functions (Mukhtaroma, 2023). These functions include maintaining security and public order, law enforcement, and providing protection and services to the community while upholding human rights. The National Police are mandated to operate autonomously, free from influence by any entity, including governmental or external forces (Arif, 2021).

The National Police as a law enforcement agency has a major responsibility in carrying out various functions, such as law enforcement, maintaining security and public order, as well as protecting, protecting and serving the community, by upholding the principles of human rights. The National Police is expected to be able to adapt quickly to dynamic societal developments, including phenomena such as the supremacy of law, human rights, globalization, democratization, decentralization, transparency and accountability.

The role and function of the Indonesian National Police (Polri) has always been the subject of debate in political and societal interests (Siregar, 2019). The National Police, like the police in any country, is often in a challenging situation because it has to balance the interests of power and the needs of society. A country's police system is greatly influenced by the political system and social control implemented. Through Government Decree No. 11/S.D., the National Police changed its status to become a separate department under the direct control of the Prime Minister. This makes the National Police have an equal position with departments and the Head of the National Police of the Republic of Indonesia (Kapolri) is equivalent to the Minister (Sugiharto & Sunarya, 2023). The main duties of the Indonesian National Police, in accordance with Article 13 of Law Number 2 of 2002, include three main things, namely:

- a. Maintain public security and order;
- b. Enforcing the law; And
- c. Providing protection, protection and service to public.

In article 3, the police function is the National Police of the Republic of Indonesia, assisted by:

- a. special police force;
- b. civil servant investigators; and/or
- c. Forms of self-protection.

Carrying out police functions as intended in paragraph (1) letters a, b and c, carries out police functions in accordance with the laws and regulations which form the basis of their respective laws.

Furthermore, Article 14 of Law no. 2 of 2002 explains in more detail several duties of the Indonesian National Police, including: carrying out regulation, guarding, escorting and patrolling community and government activities as needed; as well as carrying out all activities to ensure security, order and smooth traffic on the roads.

There are two elements that influence police duties, namely the element of danger and the element of authority, including the authority to commit acts of violence or discretion (Triadi & Ardian, 2024). The element of danger makes the police always alert, while the element of authority can at any time turn into arbitrariness. The police as law enforcers have a role as investigators in the criminal justice system, aim to find suspects in a

criminal case so that clarity about the case is revealed. This law enforcement is intended so that every action that violates legal rules and regulations can be controlled, so that people's lives become safe, peaceful and remain within the limits of community tolerance (Suntaka, 2018).

To fulfill the duties of the Police effectively, it is essential to adhere to the delineation of primary responsibilities and powers of the Indonesian National Police, as outlined in Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia. According to Article 2 of this legislation, the Police function constitutes a vital aspect of state governance, encompassing the maintenance of public security and order, law enforcement, as well as the provision of protection and service to the community. Additionally, Article 3 elucidates that the execution of Police functions is conducted by the National Police of the Republic of Indonesia, with support from specialized police units, civilian personnel, and/or independent security entities. The implementation of Police functions, as stipulated in Article 3(2), underscores adherence to legal regulations as the foundation guiding their respective mandates. This underscores the pivotal role of the rule of law in guiding the execution of duties and authority by the Indonesian Police force.

Articles 15 and 16 in the Indonesian Police Law detail the duties and authority of the Indonesian Police, while Article 18 regulates Police discretion which is based on the Police Code of Ethics. Based on the formulation of functions, main duties and authority of the National Police as regulated in Law no. 2 of 2002, the main functions of the police can be categorized as follows:

1. Community Development Tasks (Pre-emptive)
2. All endeavors and community development initiatives aim to enhance community involvement and awareness of laws and regulations. The role of the National Police in this realm is termed Community Policing, which adopts a sociable approach to society and fosters reciprocal relationships to attain this objective. However, the current application of the Community Policing concept tends to exhibit partiality in its execution at police stations. As previously mentioned, when examining foreign police systems, it's essential to account for the societal traits of the populace. In Indonesia, the concept of Community Policing already aligns with local character and culture (e.g., in Java), which is implemented through a village-based environmental security system. Here, communities take turns assuming responsibility for the security of their respective areas, supported by the activities of Bhabinkamtibmas, who consistently monitor their designated zones and engage in specialized activities.
3. Duties in the Preventive Field  
All efforts and activities in the field of preventive policing aim to maintain public security and order, as well as protect the safety of people, objects and goods, including providing protection and assistance, especially to prevent law violations. In carrying out this task, professional skills and special techniques are required, such as patrolling, guarding, escorting and organizing.
4. Duties in the Repressive Field  
In the field of repression, there are two types of roles and functions of the Indonesian National Police, namely judicial repressive and non-judicial. UU no. 2 of 2002 gives the National Police the role of carrying out non-judicial repressive actions related to Article 18 paragraph 1, namely "police discretionary" authority which generally concerns minor cases.

The implementation of law enforcement by the National Police is significantly affected by various hindering factors associated with the circumstances and situations prevailing within local communities. Law enforcement endeavors to translate ideals of justice, legal certainty, and societal welfare into tangible outcomes. Thus, law enforcement fundamentally constitutes a process of actualizing these ideals. As per Soerjono Soekanto, law enforcement involves the synchronization of values encapsulated in firm principles or perspectives and expressed through actionable attitudes, serving as the ultimate phase in the realization of values to establish, preserve, and uphold harmony in social interactions (Ningrum, 2020).

In law enforcement practices, the Police face various obstacles, both operational and legal procedural, which hinder efforts to reduce the increase in crime rates and often produce suboptimal results. These obstacles are related to the model of approach used, which requires support from the professionalism, mentality and education of members of the National Police. Efforts to understand the obstacles faced by the police in carrying out their roles and functions, including by the Community Police (Polmas), need to consider several general factors that influence the law enforcement process, namely:

- a. The legal factor itself;
- b. Law enforcement factors, namely the parties who form and implement the law;
- c. Facilities or facility factors;
- d. Community factors, namely the environment in which the law applies or is applied;
- e. Cultural factors, namely the results of work, creativity, and sense of community.

Law enforcement throughout the world requires the presence of the police to represent the state in implementing and maintaining the implementation of the law in all sectors of society. There is no country without police, although their duties and functions vary from one country to another. For example, in the United States, the police serve and function as state police and are not directly related to the central government. The police structure in the United States consists of three levels: federal, state, and local. The constitution does not provide for a centralized form of policing, so it is local and state governments that carry out full police functions. To deal with special crimes such as sabotage, spying, and others, federal police such as the FBI, US DEA, US Marshal, US Attorney General, and US Secret Service are responsible. In the United States, the police are under the department, not directly under the president as in Indonesia (Anshar & Setiyono, 2020).

## CONCLUSION

In the Indonesian Police Law No. 2 of 2002, the role of the police force is delineated. Article 2 stipulates that the police constitute one of the essential functions of the state government, encompassing the maintenance of public security and order, law enforcement, as well as the provision of protection, guidance, and assistance to the community. Article 3 elaborates that the National Police of the Republic of Indonesia, with the assistance of specialized police units, civilian personnel, and other forms of auxiliary security, is entrusted with the execution of police functions in accordance with the legal regulations underpinning their respective mandates. The primary obligations of the police force are outlined in Article 13, encompassing the preservation of public security and order, law enforcement, and the provision of protection, care, and services to the community. Further specifications regarding police duties are delineated in Article 14 of the Indonesian Police Law.

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