

**ANNEX I.15**

**THE LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 2 YEAR 2002  
CONCERNING  
THE STATE POLICE OF THE REPUBLIC OF  
INDONESIA**

**THE LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 2 YEAR 2002  
CONCERNING  
THE STATE POLICE OF THE REPUBLIC OF INDONESIA  
WITH THE BLESSING OF THE ONE ALMIGHTY GOD  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

**Considering:**

- a. Whereas national security shall be principal requirement for supporting the establishment of fair, prosperous and civilized society on the basis of Pancasila and the 1945 Constitution of the Republic of Indonesia;
- b. Whereas national security defense through the police functions that includes the defense of public orderliness and safety, law enforcement, protection, safeguard and services to public shall be conducted by the State Police of the Republic of Indonesia as the state's tool assisted by society holding high the human rights;
- c. Whereas there is paradigm adjustment within the state system substantiating the institutional separation between National Military of the Republic of Indonesia and the State Police of the Republic of Indonesia in accordance with each role and functions;
- d. Whereas Law Number 28 Year 1997 concerning the State Police of the Republic of Indonesia has not been efficient anymore and it is deemed necessary to revoke this Law to be adjusted with the progress and development of law and state system of the Republic of Indonesia;
- e. Whereas based on the considerations outlined in a, b, c and d, a Law concerning the State Police of the Republic of Indonesia needs to be formulated;

**In view of:**

1. Article 5 paragraph (1), Article 20, and Article 30 of the 1945 Constitution of the Republic of Indonesia;
2. Stipulation of the Peoples' Representative Council of the Republic of Indonesia Number VI/MPR/2000 concerning a Separation of National Military of the Republic of Indonesia and the State Police of the Republic of Indonesia;
3. Stipulation of the Peoples' Representative Council of the Republic of Indonesia Number VII/MPR/2000 concerning the Role of National Military of the Republic of Indonesia and the Role of the State Police of the Republic of Indonesia;
4. Law Number 8 Year 1974 concerning the Employment Substances as amended by Law Number 43 Year 1999 (State Gazette Year 1999 Number 169, Supplementary State Gazette Number 3890);

With the joint approval of

**THE PEOPLE'S LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF INDONESIA**

**and**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA**

**HAS DECIDED:**

To stipulate: A LAW CONCERNING THE STATE POLICE OF THE REPUBLIC OF INDONESIA

**CHAPTER I**  
**GENERAL PROVISION**

**Article 1**

In this Law what is meant by:

1. The Police shall be every matter relates to the police's functions and institution in accordance with laws and regulation.
2. Members of the State Police of the Republic of Indonesia shall be civil servants employed at the State Police of the Republic of Indonesia.
3. Officials of the State Police of the Republic of Indonesia shall be members of the State Police of the Republic of Indonesia who have the police's general authority based on the law.
4. The Police Regulation shall be any regulation stipulated by the State Police of the Republic of Indonesia in the context of prevention and guarantee of public orderliness in accordance with laws and regulations.
5. Public orderliness and safety shall be a dynamic circumstance of society as one of requirements for implementing national development process in the course of completing national goals marked by guarantees of safety, orderliness and law enforcement and peace that includes capabilities for educating and developing public potential and power in defending, preventing and handling any form of law violence and other barriers that may impose society.
6. National security shall be a circumstance marked by guarantees of public orderliness and safety, orderliness and effective law enforcement, and the establishment of protection, safeguard and services to public.
7. Public interest shall be the interests of society and/or the state for guaranteeing national security.
8. Junior Investigator is an official of the state police of the Republic of Indonesia who is granted authority by the law to perform a preliminary investigation.
9. Preliminary Investigation is a series of acts by a junior investigator to seek and to find an event that is presumed to be an offense in order to determine whether or not an investigation may be carded out by means regulated in the law.
10. Investigator shall be an official of the State Police of the Republic of Indonesia who is granted special authority by the law to conduct an investigation.
11. An official of the civil service investigator shall be a certain official of the civil service who is appointed to be an investigator and granted special authority by the law to conduct criminal investigation within the scope of law as each legal basis.
12. Assistant Investigator shall be an official of the State Police of the Republic of Indonesia who is appointed by the Chief of State Police of the Republic of Indonesia based on stratification requirement according to rank and by virtue of certain authority vested in him may carry out investigate tasks as regulated in the law.
13. Investigation shall be a series of acts by an investigator in matters and by means regulated in the law to seek and gather evidence with which to clarify whether an offense has occurred and to locate the suspect.
14. The Chief of State Police of the Republic of Indonesia, hereafter is called Kapolri, shall be the leader of the State Police of the Republic of Indonesia and is responsible for the implementation of Police's functions.

**Article 2**

The police's function shall be one of functions of the Administration dealt with the defense of public orderliness and safety, law enforcement, protection, safeguard and services to public.

### **Article 3**

- (1) The executor of Police's functions shall be the Police of the Republic of Indonesia assisted by:
  - a. The Police of special unit;
  - b. An official of the civil service investigator, and/or
  - c. Spontaneous security forms.
- (2) The executor of Police's functions as referred to in paragraph (1) sub-paragraph a, b, and c, shall implement police's functions in accordance with laws and regulations as each legal basis.

### **Article 4**

The State Police of the Republic of Indonesia aims to establish national security including the defense of public orderliness and safety, orderliness and law enforcement, protection, safeguard and services to public, and the establishment of peace for public with holding high human rights.

### **Article 5**

- (1) The State Police of the Republic of Indonesia shall be the state's tool that has the role for maintaining public orderliness and safety, law enforcement and providing protection, safeguard and services to public in the context of national security defense.
- (2) The State Police of the Republic of Indonesia shall be National Police that is unity in implementing its roles as referred to in paragraph (1).

## **CHAPTER II**

### **THE ORGANIZATIONAL STRUCTURE AND STATUS OF THE STATE POLICE OF THE REPUBLIC OF INDONESIA**

### **Article 6**

- (1) The State Police of the Republic of Indonesia shall implement its roles and functions as referred to in Article 2 and 5 throughout state territory of the Republic of Indonesia.
- (2) In implementing its roles and functions, the state territory of the Republic of Indonesia shall be divided within legal regions based on the interest of tasks implementation of the State Police of the Republic of Indonesia.
- (3) The provision on legal regions as referred to in paragraph (2) shall be stipulated with a Government Regulation.

### **Article 7**

The organizational structure and working procedure of the State Police of the Republic of Indonesia shall be adjusted with the interest of tasks implementation of the State Police of the Republic of Indonesia that is further stipulated with the Presidential Decree.

### **Article 8**

- (1) The State Police of the Republic of Indonesia shall be under the President.
- (2) The State Police of the Republic of Indonesia shall be lead by Kapolri that in implementing its tasks shall be responsible to the President based on laws and regulations.

### **Article 9**

- (1) Kapolri shall determine, implement and manage the police's technical policy.
- (2) Kapolri shall lead the State Police of the Republic of Indonesia in implementing tasks and responsibilities of:
  - a. Police's operational activity in the context of implementation of tasks of the State Police of the Republic of Indonesia; and
  - b. Capacity building of the State Police of the Republic of Indonesia.

#### **Article 10**

- (1) Chief of the State Police of the Republic of Indonesia in legal region as referred to in Article 6 paragraph (2) shall be responsible for the implementation of police's tasks and authorities hierarchally.
- (2) The provision on hierarchal responsibility as referred to in paragraph (1) shall be further stipulated with a Decision of Kapolri.

#### **Article 11**

- (1) Kapolri shall be appointed and dismissed by the President with an approval of the House of People's Representatives.
- (2) The proposal of appointment and dismissal of Kapolri shall be submitted by the President to the House of People's Representatives associated with its reasons.
- (3) The approval or disapproval of the House of People's Representatives on the proposal submitted by the President as referred to in paragraph (2) must be responded within no later than 20 (twenty) days since the date on which the letter of the President is accepted by the House of People's Representatives.
- (4) If the House of People's Representatives shall not respond the proposal within the time framework provided as referred in paragraph (3), a candidate proposed by the President shall be considered approved by the House of People's Representatives.
- (5) In an urgent circumstance, the President may dismiss Kapolri temporarily and appoint an executor of tasks of Kapolri and further request for an approval from the House of People's Representatives.
- (6) A candidate of Kapolri shall be a senior officer of the State Police of the Republic of Indonesia who is still active by considering stratification according to rank and carrier.
- (7) Procedure for proposing the appointment and dismissal of Kapolri as referred to in paragraphs (1), (2), and (6) shall be further stipulated with the Presidential Decree.
- (8) The provision on the appointment and dismissal of positions other than stipulated in paragraph (1) shall be further stipulated with a Decision of Kapolri.

#### **Article 12**

- (1) Positions of investigator and assistant investigator shall be functional positions appointed by a Decision of Kapolri.
- (2) Other functional positions within the environment of the State Police of the Republic of Indonesia shall be stipulated with a Decision of Kapolri.

### **CHAPTER III TASKS AND AUTHORITIES**

#### **Article 13**

Principal Tasks of the State Police of the Republic of Indonesia shall be:

- a. maintaining public orderliness and safety;
- b. law enforcing; and
- c. providing protection, safeguard and services to public.

#### **Article 14**

- (1) In implementing its principal tasks as referred to in Article 13, the State Police of the Republic of Indonesia shall conduct:
  - a. to implement arrangement, security, guarding, and patrol of public and state activities as required;
  - b. to implement all activities for guaranteeing safety, orderliness and smoothness of traffic on the road;

- c. to educate society for enhancing public participation, law awareness and public compliance against laws and regulations;
  - d. to participate in national law development;
  - e. to maintain orderliness and guarantee public safety;
  - f. coordination, monitoring and technical training for the police of special unit, the official of the civil service investigator and spontaneous security forms;
  - g. preliminary investigation and investigation against all crimes in accordance with criminal procedure law and other laws and regulations;
  - h. police identification, police medical, forensic laboratory and police psychology for the interest of police's tasks;
  - i. to protect physical and mental safety, property, society and environment from barriers of orderliness and/or tragedy including to provide assistances and helps holding high human rights;
  - j. to provide services to public temporarily before taken care by competent institutions and/or parties;
  - k. to provide services to public in accordance with its interests within the scope of police; and
  - l. to implement other tasks in accordance with laws and regulations.
- (2) Implementation Procedure of the provisions as referred to in paragraph (1) sub-paragraph f shall be further stipulated with a Government Regulation.

#### **Article 15**

- (1) In implementing its tasks as referred to in Article 13 and 14, the State Police of the Republic of Indonesia shall authorize generally:
- a. to obtain reports and/or complaints;
  - b. to assist solving disputes happened in society that could impose public orderliness;
  - c. to prevent and eradicate the establishment of public pathology;
  - d. to monitor flows that might create disintegration or threaten the unity of the state;
  - e. to produce police's regulations within the scope of police's administration authority;
  - f. to implement special examination as part of police actions for prevention;
  - g. to take first actions at a crime scene;
  - h. to take print fingers and other identity and take pictures of person(s);
  - i. to collect information and material evidence;
  - j. to organize National Criminal Information Center;
  - k. to produce letters of licensing and/or information as required in the context of providing services to public;
  - l. to provide safeguarding assistances in the hearing process and the execution of the court ruling, other institutional activities and public activities;
  - m. to obtain and maintain findings temporarily.
- (2) Based of other laws and regulations, the State Police of the Republic of Indonesia shall also authorize:
- a. to produce licensing and monitor public mass activities and other public activities;
  - b. to organize vehicles' registration and identification;
  - c. to produce driving licensing;
  - d. to obtain announcement concerning political activity;

- e. to produce licensing and monitor the usage of firearms, explosions and sharp arms;
  - f. to produce operational licensing and monitor entities that have business in providing security services;
  - g. to provide guideline, educate and train officials of the police of special unit and spontaneous security in the police technical sector;
  - h. to cooperate with polices from other countries in investigating and suppressing international crimes;
  - i. to supervise police functional against foreigners who stay in territory of the Republic of Indonesia coordinating with related institutions;
  - j. to represent Government of the Republic of Indonesia in international police organization;
  - k. to implement other authorities under scope of police's tasks.
- (3) Implementation procedure of the provisions as referred to in paragraph (2) sub-paragraph a and d shall be further stipulated with a Government Regulation.

#### **Article 16**

- (1) In implementing its tasks referred to in Article 13 and Article 14 for criminal cases, the State Police of the Republic of Indonesia shall authorize:
- a. to arrest, detain, search and sequester;
  - b. to prohibit any person leaving or entering the scene for the interest of investigation;
  - c. to take or appear a person before investigators for investigation;
  - d. to order the suspect to stop and examine his/her identity;
  - e. to examine and confiscate letters;
  - f. to summons person(s) to be heard and examined as the defender or witness;
  - g. to invite the expert as necessary in relation to a case examination;
  - h. to stop investigation process;
  - i. to send the report of a case to the public prosecutor;
  - j. to send a request directly to the authorized immigration officials at the immigration examination place in an urgent circumstance or urgency to prevent and hold the suspect committed a criminal offence;
  - k. to provide guideline and assistance of investigation to officials of civil service and obtain results of investigations from them to be submitted to the public prosecutor; and
  - l. to conduct other actions in accordance with laws.
- (2) Other actions referred to in paragraph (1) sub-paragraph l shall be preliminary investigation and investigation conducted in accordance with the following requirements:
- a. shall not be contrary with a rule of law;
  - b. shall be parallel with legal obligations that must be conducted;
  - c. shall be proper, reasonable and under their jurisdiction;
  - d. shall be based on proper consideration and urgency; and
  - e. shall respect human rights.

#### **Article 17**

Officials of the State Police of the Republic of Indonesia shall implement its tasks and authorities throughout territory of the Republic of Indonesia, in particular at regions where officials concerned are assigned in accordance with prevailing laws and regulations.

#### **Article 18**

- (1) For general interests, officials of the State Police of the Republic of Indonesia may act based on their own consideration in implementing tasks and authorities.
- (2) The implementation of the provisions referred to in paragraph (1) may only be conducted if necessary by considering existing laws and regulation and the Profession Ethical Code of the State Police of the Republic of Indonesia.

#### **Article 19**

- (1) Official of the State Police of the Republic of Indonesia shall always act based on legal norms and respect religious and social norms and hold high human rights in implementing its tasks and authorities.
- (2) The implementation of tasks and authorities referred to in paragraph (1), the State Police of the Republic of Indonesia shall prioritize the preventive measure.

### **CHAPTER IV MEMBERS OF THE STATE POLICE OF THE REPUBLIC OF INDONESIA**

#### **Article 20**

- (1) The official of civil service of the State Police of the Republic of Indonesia shall consists of:
  - a. members of the State Police of the Republic of Indonesia; and
  - b. the officials of civil service.
- (2) The officials of civil service as referred to in paragraph (1) sub-paragraph b shall apply laws and regulations concerning employment.

#### **Article 21**

- (1) In order to be appointed as members of the State Police of the Republic of Indonesia, at minimum, a candidate must meet the following requirements:
  - a. be an Indonesian Citizen;
  - b. be faithful and devout to God all Mighty;
  - c. be loyal to the Unity State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the State of the Republic of Indonesia;
  - d. has an education at least Senior High School or similar;
  - e. be of not less than 18 (eighteen) years of age;
  - f. be mentally and physically healthy;
  - g. never has been sentenced to imprisonment committing a crime;
  - h. be intelligent, honest, fair and honorable; and
  - i. pass the education and training of members' police development.
- (2) The provisions on training of members of the State Police of the Republic of Indonesia shall be further stipulated with a Decision of Kapolri.

#### **Article 22**

- (1) Before being appointed to be members of the State Police of the Republic of Indonesia, a candidate who passed the education of development must swear an oath or make an affirmation according his religion or belief.
- (2) The provision on procedure for taking an oath or affirmation as referred to in paragraph (1) shall be further stipulated with a Decision of Kapolri.

#### **Article 23**

The oath or affirmation as referred to in Article 22 shall be as follow:

"For God's sake, I swear/affirm:



that, being appointed to be a member of the State Police of the Republic of Indonesia, I shall be faithful and loyal completely to Pancasila, the 1945 Constitution of the State of the Republic of Indonesia, *Tri Brata*, *Catur Prasatya*, and the Unity State of the Republic of Indonesia and official Government;

that I shall obey prevailing laws and regulations and implement the official duties at the State Police of the Republic of Indonesia trusted to me with full of loyalty, awareness and responsibility;

that I shall always hold high the honors of the state, Government and members' dignity of the State Police of the Republic of Indonesia, and I shall always prioritize the interests of community, state and nation than the interests of myself, a person or a group;

that I shall keep anything secret based on its nature or I must keep anything secret based on an order;

that I shall perform duties honestly, orderly, properly and consciously for the interests of the state and the Unity State of the Republic of Indonesia and shall not receive either directly or indirectly any promise or gift from anyone in any form of whatsoever that has relation with my performance.”

#### **Article 24**

- (1) Members of the State Police of the Republic of Indonesia shall implement their official membership based on a contract to serve with the government upon graduation.
- (2) The provision on a contract to serve with the government upon graduation as referred to in paragraph (1) shall be further stipulated with a Presidential Decree.

#### **Article 25**

- (1) Every member of the State Police of the Republic of Indonesia shall be provided for official position describing his role, function and capability, and as legitimating of his authority and responsibility in performing duties.
- (2) The provision on structure, name and harmony of positions as referred to in paragraph (1) shall be further stipulated with a Decision of Kapolri.

#### **Article 26**

- (1) Every member of the State Police of the Republic of Indonesia shall obtain salary and other facilities fairly and appropriately.
- (2) The provision on salary and other facilities as referred to in paragraph (1) shall be further stipulated with a Government Regulation.

#### **Article 27**

- (1) In developing the unity and enhancing the spirit in work and morality, a regulation concerning disciplines of members of the State Police of the Republic of Indonesia shall be provided.
- (2) The provision on disciplines regulation as referred to in paragraph (1) shall be further stipulated with a Government Regulation.

#### **Article 28**

- (1) The State Police of the Republic of Indonesia shall act neutrally in political life and shall not involve in political activity practically.
- (2) Members of the State Police of the Republic of Indonesia shall not utilize their right to vote or be voted.
- (3) Members of the State Police of the Republic of Indonesia may hold a position outside the police after he quit or be retired from the office of police.

#### **Article 29**

- (1) The power of the general court shall be applied for members of the State Police of the Republic of Indonesia.

- (2) The provision as referred to in paragraph (1) shall be further stipulated with a Government Regulation.

**Article 30**

- (1) Members of the State Police of the Republic of Indonesia may be dismissed either respectfully or disrespectfully.
- (2) Maximum retired age for members of the State Police of the Republic of Indonesia shall be 58 (fifty eight) years old and for members that have special expertise and are required in performing functions of police shall keep working until reaching the age of 60 (sixty) years old.
- (3) Implementation of the provision as referred to in paragraphs (1) and (2) shall be further stipulated with a Government Regulation.

**CHAPTER V  
PROFESSION DEVELOPMENT**

**Article 31**

In performing their tasks and authorities, the officials of the State Police of the Republic of Indonesia must have professional skills.

**Article 32**

- (1) Profession capability development of officials of the State Police of the Republic of Indonesia shall be organized through profession ethics and acknowledgment developments and experiences in the police's technical matter using gradual and continuous education, training and assignment.
- (2) Profession capability development as referred to in paragraph (1) shall be further stipulated with a Decision of Kapolri.

**Article 33**

In the support of profession development as referred to in Article 32, reviewing, research and science development and police's technology shall be conducted.

**Article 34**

- (1) Attitudes and behaviors of officials of the State Police of the Republic of Indonesia shall be attached to the Profession Ethical Code of the State Police of the Republic of Indonesia.
- (2) The Profession Ethical Code of the State Police of the Republic of Indonesia may be a guideline for developing other functions of police to perform tasks in accordance with prevailing laws and regulations within its environment.
- (3) The provision on Profession Ethical Code of the State Police of the Republic of Indonesia shall be further stipulated with a Decision of Kapolri.

**Article 35**

- (1) Violations against the Profession Ethical Code of the State Police of the Republic of Indonesia committed by officials of the State Police of the Republic of Indonesia shall be solved by a Commission of Ethical Code of the State Police of the Republic of Indonesia.
- (2) The provision on organizational structure and operating procedure of a Commission of Ethical Code of the State Police of the Republic of Indonesia shall be stipulated with a Decision of Kapolri.

**Article 36**

- (1) Every official of the State Police of the Republic of Indonesia and other police executor must show his identity card as legitimizing of his authority and responsibility in performing functions.
- (2) The provision on forms, size, issuance, and usage and application of identity card as referred to in paragraph (1) shall be stipulated with a Decision of Kapolri.

**CHAPTER VI  
NATIONAL POLICE INSTITUTION**

**Article 37**

- (1) National police institution that is named by National Police Commission shall be under and responsible to the President.
- (2) National Police Commission as referred to in paragraph (1) shall be established with a Presidential Decree.

**Article 38**

- (1) National Police Commission shall have duties:
  - a. to assist the President in determining directions of policies of the State Police of the Republic of Indonesia; and
  - b. to provide inputs to the President in appointing and dismissing Kapolri.
- (2) In performing its duties as referred to in paragraph (1), National Police Commission shall authorize to:
  - a. collect and analyze data as materials for providing inputs to the President in relation to budget of the State Police of the Republic of Indonesia, human resource development of the State Police of the Republic of Indonesia, and infrastructure development of the State Police of the Republic of Indonesia;
  - b. give recommendations and other inputs to the President in establishing professional and independent the State Police of the Republic of Indonesia; and
  - c. obtain recommendations and complaints from public concerning its performance and submit it to the President.

**Article 39**

- (1) Membership of National Police Commission shall contain the Head as a member also, a Deputy Head as a members also, a Secretary as a member also and 6 (six) members.
- (2) Membership as referred to in paragraph (1) shall come from governmental elements, police experts and leaders of society.
- (3) The provision on organizational structure, operating procedure, appointment and dismissal of National Police Commission shall be stipulated with a Presidential Decree.

**Article 40**

All budgets required for supporting the implementation of duties of National Police Commission shall be covered by the State Budget.

**CHAPTER VII  
ASSISTANCE, RELATIONSHIP AND COOPERATION**

**Article 41**

- (1) In performing security matter, the State Police of the Republic of Indonesia may request for assistances from Indonesian National Military that shall be further stipulated with a Government Regulation.
- (2) In a military urgent situation and war, the State Police of the Republic of Indonesia shall provide assistances to Indonesian National Military in accordance with laws and regulations.
- (3) The State Police of the Republic of Indonesia shall assist actively to maintain Peace Keeping Operation under a jurisdiction of the United Nations.

**Article 42**

- (1) Relationship and cooperation between the State Police of the Republic of Indonesia and agencies, bodies and institutions either national or international shall be based on functional relationship elements, mutual respectfulness, mutual assistance, public interest priority and hierarchy consideration.

- (2) National relationship and cooperation shall be conducted particularly with local government elements, law enforcers, other agencies, bodies and institutions, and society with considering participation and subsidiary principles.
- (3) International relationship and cooperation shall be conducted particularly with police institutions and other law enforcers either through bilateral or multilateral and with preventive agencies both in the context of operational duties and technical cooperation and education and training.
- (4) Implementation provision as referred to in paragraphs (1), (2), and (3) shall be stipulated with a Government Regulation.

## **CHAPTER VIII TRANSITIONAL PROVISION**

### **Article 43**

When this Law comes into effect:

- a. All laws and regulations as implementing regulations of the State Police of the Republic of Indonesia shall remain to come into effect as long as these are not contrary with this Law.
- b. Criminal offences conducted by members of the State Police of the Republic of Indonesia that are being investigated either in processes of investigation or examination in the military court and have not been convicted by final ruling of the court shall apply for the provisions of laws and regulations concerning the military court.
- c. Criminal offences conducted by members of the State Police of the Republic of Indonesia that have not been investigated yet either in processes of investigation or examination in the military court shall apply for the provisions of laws and regulations concerning the military court.

## **CHAPTER IX CLOSING PROVISION**

### **Article 44**

When this Law comes into effect, Law Number 28 Year 1997 concerning the State Police of the Republic of Indonesia (State Gazette of the Republic of Indonesia Year 1997 Number 81, Supplementary State Gazette of the Republic of Indonesia Number 3710) shall be stipulated invalid.

### **Article 45**

This Law shall come into effect as of the date of its enactment.

For the information of the public, we hereby order the enactment of this Law through its publication in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
on January 8, 2002

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

MEGAWATI SOEKARNOPUTRI

Promulgated in Jakarta  
on January 8, 2002

STATE SECRETARY OF THE REPUBLIC OF INDONESIA,

BAMBANG KESOWO

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2002 NUMBER 2**

**ELUCIDATION**  
**ON**  
**THE LAW OF THE REPUBLIC OF INDONESIA**  
**NUMBER 2 YEAR 2002**  
**CONCERNING**  
**THE STATE POLICE OF THE REPUBLIC OF INDONESIA**

**I. GENERAL**

Peraturan perundang-undangan yang menjadi dasar pelaksanaan tugas The State Police of the Republic of Indonesia sebelum Undang-Undang ini berlaku adalah Undang-Undang Nomor 28 Tahun 1997 tentang The State Police of the Republic of Indonesia (Lembaran Negara Tahun 1997 Nomor 81, Tambahan Lembaran Negara Nomor 3710) sebagai penyempurnaan dari Undang-Undang Nomor 13 Tahun 1961 tentang Ketentuan-Ketentuan Pokok Kepolisian Negara (Lembaran Negara Tahun 1961 Nomor 245, Tambahan Lembaran Negara Nomor 2289).

Undang-Undang Nomor 28 Tahun 1997 tentang The State Police of the Republic of Indonesia telah memuat pokok-pokok mengenai tujuan, kedudukan, peranan dan tugas serta pembinaan profesionalisme kepolisian, tetapi rumusan ketentuan yang termaytum di dalamnya masih mengacu kepada Undang-Undang Nomor 20 Tahun 1982 tentang Ketentuan-Ketentuan Pokok Pertahanan Keamanan Negara Republik Indonesia (Lembaran Negara Tahun 1982 Nomor 51, Tambahan Lembaran Negara Nomor 3234) sebagaimana telah diubah dengan Undang-Undang Nomor 1 Tahun 1988 (Lembaran Negara Tahun 1988 Nomor 3, Tambahan Lembaran Negara Nomor 3368), dan Undang-Undang Nomor 2 Tahun 1988 tentang Prajurit Angkatan Bersenjata Republik Indonesia (Lembaran Negara

Tahun 1988 Nomor 4, Tambahan Lembaran Negara Nomor 3369) sehingga watak militernya masih terasa sangat dominan yang pada gilirannya berpengaruh pula kepada sikap perilaku pejabat kepolisian dalam pelaksanaan tugasnya di lapangan.

Oleh karena itu, Undang-Undang ini diharapkan dapat memberikan penegasan watak The State Police of the Republic of Indonesia sebagaimana dinyatakan dalam Tri Brata dan Catur Prasatya sebagai sumber nilai Kode Etik Kepolisian yang mengalir dari falsafah Pancasila.

Perkembangan kemajuan masyarakat yang cukup pesat, seiring dengan merebaknya fenomena supremasi hukum, hak asasi manusia, globalisasi, demokratisasi, desentralisasi, transparansi, dan akuntabilitas, telah melahirkan berbagai paradigma baru dalam melihat tujuan, tugas, fungsi, wewenang dan tanggung jawab The State Police of the Republic of Indonesia yang selanjutnya menyebabkan pula tumbuhnya berbagai tuntutan dan harapan masyarakat terhadap pelaksanaan tugas The State Police of the Republic of Indonesia yang makin meningkat dan lebih berorientasi kepada masyarakat yang dilayaninya.

Sejak ditetapkan Perubahan Kedua Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 CHAPTER XII tentang Pertahanan dan Keamanan Negara, Ketetapan MPR RI No. VI/MPR/2000 dan Ketetapan MPR RI No. VII/MPR/2000, maka secara konstitusional telah terjadi perubahan yang menegaskan rumusan tugas, fungsi, dan peran The State Police of the Republic of Indonesia serta pemisahan kelembagaan Tentara Nasional Indonesia dan The State Police of the Republic of Indonesia sesuai dengan peran dan fungsi masing-masing.

Undang-Undang ini telah didasarkan kepada paradigma baru sehingga diharapkan dapat lebih memantapkan kedudukan dan peranan serta pelaksanaan tugas The State Police of the Republic of Indonesia sebagai bagian integral dari reformasi menyeluruh segenap tatanan kehidupan bangsa dan negara dalam mewujudkan masyarakat madani yang adil, makmur, dan beradab berdasarkan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Sesuai dengan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Perubahan Kedua, Ketetapan MPR RI No. VI/MPR/2000 dan Ketetapan MPR RI No. VII/MPR/2000, keamanan dalam negeri dirumuskan sebagai format tujuan The State Police of the Republic

of Indonesia dan secara konsisten dinyatakan dalam perincian tugas pokok yaitu memelihara keamanan dan ketertiban masyarakat, menegakkan hukum, serta melindungi, mengayomi, dan melayani masyarakat. Namun, dalam penyelenggaraan fungsi kepolisian, The State Police of the Republic of Indonesia secara fungsional dibantu oleh kepolisian khusus, penyidik pegawai negeri sipil, dan bentuk-bentuk pengamanan swakarsa melalui pengembangan asas subsidiaritas dan asas partisipasi.

Asas legalitas sebagai aktualisasi paradigma supremasi hukum, dalam Undang-Undang ini secara tegas dinyatakan dalam perincian kewenangan The State Police of the Republic of Indonesia, yaitu melakukan penyelidikan dan penyidikan terhadap semua tindak pidana sesuai dengan hukum acara pidana dan peraturan perundang-undangan lainnya.

Namun, tindakan pencegahan tetap diutamakan melalui pengembangan asas preventif dan asas kewajiban umum kepolisian, yaitu memelihara keamanan dan ketertiban masyarakat. Dalam hal ini setiap pejabat The State Police of the Republic of Indonesia memiliki kewenangan diskresi, yaitu kewenangan untuk bertindak demi kepentingan umum berdasarkan penilaian sendiri.

Oleh karena itu, Undang-Undang ini mengatur pula pembinaan profesi dan kode etik profesi agar tindakan pejabat The State Police of the Republic of Indonesia dapat dipertanggungjawabkan, baik secara hukum, moral, maupun secara teknik profesi dan terutama hak asasi manusia.

Begitu pentingnya perlindungan dan pemajuan hak asasi manusia karena menyangkut harkat dan martabat manusia, Negara Republik Indonesia telah membentuk Undang-Undang Nomor 5 Tahun 1998 tentang ratifikasi Konvensi menentang penyiksaan dan perlakuan atau penghukuman lain yang kejam, tidak manusiawi atau merendahkan martabat manusia, Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia dan Undang-Undang Nomor 26 Tahun 2000 tentang Pengadilan Hak Asasi Manusia. Setiap anggota The State Police of the Republic of Indonesia wajib mempedomani dan menaati ketentuan Undang-Undang di atas.

Di samping memperhatikan hak asasi manusia dalam setiap melaksanakan tugas dan wewenangnya, setiap anggota The State Police of the Republic of Indonesia wajib pula memperhatikan perundang-undangan yang berkaitan dengan tugas dan wewenangnya, antara lain Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana, ketentuan perundang-undangan yang mengatur otonomi khusus, seperti Provinsi Nanggroe Aceh Darussalam dan Provinsi Papua serta peraturan perundang-undangan lainnya yang menjadi dasar hukum pelaksanaan tugas dan wewenang The State Police of the Republic of Indonesia.

Undang-Undang ini menampung pula pengaturan tentang keanggotaan The State Police of the Republic of Indonesia sebagaimana diamanatkan oleh Undang-Undang Nomor 43 Tahun 1999 tentang Perubahan atas Undang-Undang Nomor 8 Tahun 1974 tentang Pokok-Pokok Kepegawaian (Lembaran Negara Tahun 1999 Nomor 169, Tambahan Lembaran Negara Nomor 3890) yang meliputi pengaturan tertentu mengenai hak anggota The State Police of the Republic of Indonesia baik hak kepegawaian, maupun hak politik, dan kewajibannya tunduk pada kekuasaan peradilan umum.

Substansi lain yang baru dalam Undang-Undang ini adalah diaturnya lembaga kepolisian nasional yang tugasnya memberikan saran kepada Presiden tentang arah kebijakan kepolisian dan pertimbangan dalam pengangkatan dan pemberhentian Kapolri sesuai amanat Ketetapan MPR RI No. VII/MPR/2000, selain terkandung pula fungsi pengawasan fungsional terhadap kinerja The State Police of the Republic of Indonesia sehingga kemandirian dan profesionalisme The State Police of the Republic of Indonesia dapat terjamin.

Dengan landasan dan pertimbangan sebagaimana telah diuraikan sebelumnya, dalam kebulatannya yang utuh serta menyeluruh, diadakan penggantian atas Undang-Undang Nomor 28 Tahun 1997 tentang The State Police of the Republic of Indonesia yang tidak hanya memuat susunan dan kedudukan, fungsi, tugas dan wewenang serta peranan kepolisian, tetapi juga mengatur tentang keanggotaan, pembinaan profesi, lembaga kepolisian nasional, bantuan dan hubungan serta kerja sama dengan berbagai pihak, baik di dalam negeri maupun di luar negeri.

Meskipun demikian, penerapan Undang-Undang ini akan ditentukan oleh komitmen para pejabat The State Police of the Republic of Indonesia terhadap pelaksanaan tugasnya dan juga komitmen masyarakat untuk secara aktif berpartisipasi dalam mewujudkan The State Police of the Republic of Indonesia yang mandiri, profesional, dan memenuhi harapan masyarakat.

## **II. ARTICLE TO ARTICLE**

### **Article 1**

Self-explanatory

### **Article 2**

The police's functions must consider the spirit of human rights enforcement, law and justice.

### **Article 3**

#### Paragraph (1)

The term of "assisted by" shall be within the environment of the police's functions, functional assistance and not hierarchal structure.

#### Sub-paragraph a

The term of "the police of special unit" shall be institution and/or governmental agency that is provided for authority to implement the police's functions in each technical sector under the law or ordered by the law.

The authority shall be special and limited within "power attorney of matters environment (*lingkungan kuasa soal-soal/zaken gebied*) determined by laws and regulations as legal basis.

Examples of "the police of special unit" are Drugs and Foods Supervisory Agency (Ditgen POM of The Ministry of Health), the Police of Forestry Unit, the Police of Immigration Unit, etc.

#### Sub-paragraph b

Self-explanatory

#### Sub-paragraph c

The term of "spontaneous security" shall be a form of security organized based on willingness, awareness and interest of community then it has an official acknowledgment from the State Police of the Republic of Indonesia, such as an environmental security unit and an entity that has a business in security services.

Forms of spontaneous security have limited police's authority in term of "territory power environment" (*teritoir gebied/ruimte gebied*) including residence territory, business area, and education area.

For examples, an environmental security unit in resident area, business area and store area.

The provision on spontaneous security shall be responsibility of Kapolri.

#### Paragraph (2)

Self-explanatory

### **Article 4**

Human rights shall be basic rights attached naturally to any human kind in the life of society, including but not limited to the individual rights, public rights, state and nation that are completely stated in the 1945 Constitution of the Republic of Indonesia and in accordance with principles concluded in a Declaration of Human Rights, 1948 and other international conventions.

**Article 5**

Self-explanatory

**Article 6**

Paragraph (1)

Territory of the State of the Republic of Indonesia shall be legal jurisdiction of the state of the Republic of Indonesia in accordance with prevailing laws and regulations. The implementation of functions of the State Police of the Republic of Indonesia shall include territory of the State of the Republic of Indonesia, so that any official of the State Police of the Republic of Indonesia may perform his authority throughout territory of the State of the Republic of Indonesia, in particular in territory where he is assigned.

Paragraph (2)

In performing its role and function effectively and efficiently, territory of the State of the Republic of Indonesia shall be divided within legal regions based on the interest of implementation of tasks and authorities of the State Police of the Republic of Indonesia by considering the length of territory, total population and capacity of the State Police of the Republic of Indonesia.

Such separation of legal regions shall be organized similarly with separation of administrative territory in regions and infrastructures of integrated criminal court system.

Paragraph (3)

Self-explanatory

**Article 7**

Self-explanatory

**Article 8**

Paragraph (1)

Self-explanatory

Paragraph (2)

In performing its tasks, the State Police of the Republic of Indonesia shall be responsible to the President both for preventive function and judicial repressive.

However, such responsibility must always be based on the provisions of laws and regulations so that there will be no intervention, which gives negative impact to the profession of police.

**Article 9**

Paragraph (1)

As the technical leader of police, the State Police of the Republic of Indonesia shall stipulate technical policies of police for throughout executors and supervise and control its implementation.

Paragraph (2)

Self-explanatory

**Article 10**

Self-explanatory

**Article 11**

Paragraph (1)



The term of "with an approval of the House of People's Representatives" means after having approval from the House of People's Representatives.

Paragraph (2)

The approval of the House of Representative (DPR) of Indonesia on the dismissal and the appointment of Kapolri shall be in accordance with prevailing provisions of DPR. The proposal of dismissal of Kapolri shall be submitted by the President associated with official reasons such as the end of the office term of Kapolri concerned, based on a request of a person concerned, retired period, permanent difficulties, is sentenced for a criminal offence. If DPR refuses the proposal of dismissal then the President shall withdraw the approval and may propose again requesting for an approval for the next meeting.

Paragraph (3)

The term of "twenty working days of DPR-RI" means working days apply in DPR-RI excluding holidays and recess period.

In the meantime, the term of "since when the President's letter shall apply" means since the President's letter is accepted by Secgen of DPR-RI administratively.

Paragraph (4)

Self-explanatory

Paragraph (5)

The term of "in an urgent circumstance" means a circumstance requires the President to dismiss Kapolri temporarily because he/she violates his official oath and endangers the state's interest judicially.

Paragraph (6)

The term of "decree of position" means seniority principles, which is a senior position under Kapolri that may be appointed as Kapolri.

In the meantime, the term of "decree of carrier" means the assignment experience of a candidate in many fields of police or some positions in the police.

Paragraph (7)

Self-explanatory

Paragraph (8)

Self-explanatory

**Article 12**

Paragraph (1)

The assistants of junior investigator and investigator shall be functional positions in relation to technical expertise that possibly ease the implementation of tasks of the State Police of the Republic of Indonesia.

Paragraph (2)

The term of "determined by" shall be an internal process of the State Police of the Republic of Indonesia to stipulate other functional positions required at the State Police of the Republic of Indonesia.

**Article 13**

The formulation of tasks shall not be decrees of priority, all are essential, in the meantime, which one shall be prioritized in implementing these tasks, it depends on situation in society and existing environment because these should be implemented simultaneously and may be combined. In addition, the implementation of these tasks

shall be based on legal norms; respect religious and social values and hold high human rights.

**Article 14**

Paragraph (1)

Sub-paragraph a

Self-explanatory

Sub-paragraph b

Self-explanatory

Sub-paragraph c

Self-explanatory

Sub-paragraph d

Self-explanatory

Sub-paragraph e

Self-explanatory

Sub-paragraph f

Self-explanatory

Sub-paragraph g

The provisions of the Criminal Procedure Law provide prior role of the State Police of the Republic of Indonesia in preliminary investigation and investigation so that they authorize to conduct preliminary investigation and investigation of criminal offence generally. Nevertheless, this remains to consider and shall not impose authority of other investigator in accordance with prevailing laws and regulations as legal basis of each party.

Sub-paragraph h

Police identification process is provided for the interest of criminal investigation and identification of non-criminal offence for community and other institutions for implementing functions of police.

The police medical shall be forensic physician, forensic odontology, and forensic psychology required for supporting the implementation of functions of police.

Sub-paragraph i

Self-explanatory

Sub-paragraph j

This shall be implemented by members of the State Police of the Republic of Indonesia limited by their skills and acknowledgment for the interests of law enforcement and public services.

Sub-paragraph k

Self-explanatory

Sub-paragraph l

Self-explanatory

Paragraph (2)

Self-explanatory

**Article 15**

Paragraph (1)

Sub-paragraph a

Self-explanatory

Sub-paragraph b

Self-explanatory

Sub-paragraph c

The term of "public pathology" means beggars and homeless persons, prosecution, drugs and narcotics abuse, alcohol abuse, trade in human, RENTENIR and illegal retribution.

The authority in paragraph (1) shall be implemented accomodatively with related institutions in accordance with prevailing laws and regulations.

Sub-paragraph d

The term of "flow" shall be the flow or understanding that creates disintegration or endangers the unity of the state such as a belief that is contrary with principal norms of the State of the Republic of Indonesia.

Sub-paragraph e

Self-explanatory

Sub-paragraph f

The police actions shall be forces and/or other actions under the law to establish orderliness and law enforcement and peace.

Sub-paragraph g

Self-explanatory

Sub-paragraph h

Self-explanatory

Sub-paragraph i

Information and material evidence shall be in relation to criminal process and in the context of the police's tasks in general.

Sub-paragraph j

The term of "National Criminal Information Center" means a network of criminal documentary contains criminal data and violations and traffic violations, registry and identification.

Sub-paragraph k

Licensing letter and/or information shall be issued based on a request of a person concerned.

Sub-paragraph l

The authority shall be implemented based on requests of the competent institutions or society.

Sub-paragraph m

The term of "findings" means goods that are not known for its possession found by members of the State Police of the Republic of Indonesia or public to be reported to the State Police of the Republic of Indonesia.

Findings must be protected by the State Police of the Republic of Indonesia with a condition that if the authorized party does not

take findings within a certain period then these will be handled in accordance with prevailing laws and regulations.

After obtaining findings, the State Police of the Republic of Indonesia must immediately announce it through printing, electronic and/or other media.

Paragraph (2)

Sub-paragraph a

Such public mass shall be in accordance with the provision of Article 510 paragraph (1) of the Penal Code, which is a mass or performance for public and parade in public area.

Other community activity means activities that may endanger public safety as stipulated in Article 495 paragraph (1), 496, 500, 501 paragraph (2), and 502 paragraph (1) of the Penal Code.

Sub-paragraph b

Self-explanatory

Sub-paragraph c

Self-explanatory

Sub-paragraph d

Political activities that need to be reported to the State Police of the Republic of Indonesia shall be political activities as referred to in laws concerning political affairs such as campaigns for general election, political parades, pamphlets, and political brochures using picture/painting distributed to public.

Sub-paragraph e

The term of "sharp tools" in this Law shall be a stab, a prick or a hammer, and tools utilized for agricultural or household or legal works or antique or magic goods purposes shall be excluded as intended by the provisions of Law Number 12/Drt/1951.

Sub-paragraph f

Self-explanatory

Sub-paragraph g

Self-explanatory

Sub-paragraph h

The term of "international crime" shall be certain crime agreed to be handled transnationally such as narcotics, counterfeiting currencies, terrorism and human trade.

Sub-paragraph i

Self-explanatory

Sub-paragraph j

In performing this task, the State Police of the Republic of Indonesia shall be attached by the provisions of international law, both liberally and multilaterally.

In such relationship, the State Police of the Republic of Indonesia may provide assistances for conducting police measures based on a request from the foreign state, on the contrary, the State Police of the Republic of Indonesia may request for assistances from the foreign state for conducting the police measures as long as this is not contrary with the provisions of law of both countries.

Such International Police Organization means the International Criminal Police Organization (ICPO-Interpol).

The State Police of the Republic of Indonesia shall implement functions of National Central Bureau ICPO-Interpol Indonesia.

Sub-paragraph k

Self-explanatory

Paragraph (3)

Self-explanatory

## **Article 16**

Paragraph (1)

Sub-paragraph a

Self-explanatory

Sub-paragraph b

Prohibition for leaving and entering the scene applied for anyone aims to secure the scene and material evidence.

Sub-paragraph c

Self-explanatory

Sub-paragraph d

This authority shall be general and criminal process authorities, which in implementing this, members of the State Police of the Republic of Indonesia must show their identity card.

Sub-paragraph e

Self-explanatory

Sub-paragraph f

Self-explanatory

Sub-paragraph g

Self-explanatory

Sub-paragraph h

Self-explanatory

Sub-paragraph i

The term of "submitting case report to the public prosecutor" shall include the suspect and material evidence.

Sub-paragraph j

Officials of the State Police of the Republic of Indonesia who may propose a request of preventive measure in an urgent circumstance or urgency shall be the Head of Resort Police at minimum, then it must be legalized by a Decision of Kapolri within no later than twenty days.

Sub-paragraph k

Self-explanatory

Sub-paragraph l

Self-explanatory

Paragraph (2)

Self-explanatory

**Article 17**

Self-explanatory

**Article 18**

Paragraph (1)

The term of "acted based on his adjustment" means an action that may be executed by member of the State Police of the Republic of Indonesia, which in taking action he must consider advantages and risks of such action and it must be for the interest of public completely.

Paragraph (2)

Self-explanatory

**Article 19**

Self-explanatory

**Article 20**

Self-explanatory

**Article 21**

Paragraph (1)

The term of "minimum" means to explain part of absolute requirements because there are other requirements excluded in this Law that must be satisfied.

Paragraph (2)

The term of "training for members of the State Police of the Republic of Indonesia" shall include official application, education, utility, maintenance and termination.

**Article 22**

Self-explanatory

**Article 23**

The preamble and closing words of oath/affirmation for a candidate shall be adjusted with his religion and belief.

**Article 24**

Paragraph (1)

The term of " a contract to serve with the government upon graduation" means an obligation for member of the State Police of the Republic of Indonesia to work at the State Police of the Republic of Indonesia within certain office term applying the police science obtained from the Police Academic for members of the State Police of the Republic of Indonesia through his dedication to the state and nation of the Republic of Indonesia in performing his assignment obediently and orderly.

Paragraph (2)

Self-explanatory

**Article 25**

Self-explanatory

**Article 26**

Self-explanatory

**Article 27**

Self-explanatory

**Article 28**

Paragraph (1)

The term of "neutral act" means that members of the State Police of the Republic of Indonesia are free from any intervention of all political parties, groups and are prohibited being members and/or managers of political parties.

Paragraph (2)

Although members of the State Police of the Republic of Indonesia do not use their votes for being voted or voting, however, participation of the State Police of the Republic of Indonesia in stipulating directions of national policies shall be contributed through the Essembly of People's Consultation (MPR) based on prevailing laws and regulations.

Paragraph (3)

The term of "a position outside the police" means a position that does not have a relation with the police affairs and or is not based on the assignment from Kapolri.

**Article 29**

Paragraph (1)

Self-explanatory

Paragraph (2)

The provisions stipulated in a Government Regulation shall include the implementation of institutional techniques.

**Article 30**

Paragraph (1)

Self-explanatory

Paragraph (2)

In general, maximum retired age of members of Polri is 58 years old, however, members that have special expertise may be extended until the age of 60 years old.

Paragraph (3)

Self-explanatory

**Article 31**

Self-explanatory

**Article 32**

Paragraph (1)

Profession capability development of officials of the State Police of the Republic of Indonesia shall be implemented through profession ethics and science developments and gradual, continuous and integrated assignment experiences.

Science development and enhancement may be implemented through education and training both internal and external of the State Police of the Republic of Indonesia, national and international educational institutions, and other forms of training for developing its professionalism. Meanwhile, such experiences shall include gradual assignments directed for strengthening its skills and achievements.

In implementing tasks and profession capability development of the State Police of the Republic of Indonesia, it is deemed necessary to establish the police's high educational institution that organizes the police education either academically or professionally and the police technology development.

Paragraph (2)

Self-explanatory

### **Article 33**

Self-explanatory

### **Article 34**

Paragraph (1)

In performing his tasks and authorities, this paragraph mandates that any member of the State Police of the Republic of Indonesia must present the personality of *Bhayangkara Negara* completely, which is as champions of defender and protector of the State of the Republic of Indonesia. In addition, for dedicating himself as the state's tool of law enforcer whereby his tasks and authorities shall relate each other with the rights and obligations of citizen directly, high technical awareness and skills are necessary so that any member of the State Police of the Republic of Indonesia must understand and comply with the police's profession ethical code represented in his attitudes and behaviors. Such police's profession ethical code shall be formulated in the form of the ethical code of the State Police of the Republic of Indonesia as a crystallization of values included in *Tribrata* and *Catur Prasatya* on the basis of Pancasila.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

### **Article 35**

Paragraph (1)

Considering that in performing tasks of the State Police of the Republic of Indonesia in relation to rights and obligations of citizen and society directly and attached by profession ethical code of the State Police of the Republic of Indonesia, in the event that a member of the State Police of the Republic of Indonesia violates the provisions of profession ethical code in performing his tasks and authorities then a member concerned must be responsible for his performances to the Commission of Ethical Code of the State Police of the Republic of Indonesia.

This paragraph means to respect the profession of police, in the meantime, legal violations against disciplines and criminal offence shall be resolved in accordance with laws and regulations.

Paragraph (2)

Members of Commission of Ethical Code of the State Police of the Republic of Indonesia shall be entirely members of Polri that are still active and its organizational structure shall be adjusted with functions and positions of members that violate such ethical code.

### **Article 36**

Paragraph (1)

The identity card aims to provide certainty for public that he is a person who appears before the officer officially.



Paragraph (2)  
Self-explanatory

**Article 37**

Self-explanatory

**Article 38**

Paragraph (1)

Sub-paragraph a

Directions of policies of the State Police of the Republic of Indonesia stipulated by the President shall be guideline for formulating technical policies of Police under a jurisdiction of Kapolri.

Sub-paragraph b

Self-explanatory

Paragraph (2)

Sub-paragraph a

Self-explanatory

Sub-paragraph b

Self-explanatory

Sub-paragraph c

The term of "complaints" in this paragraph relates to power abuse, suspicion of corruption, bad services, discriminative treatment and wrong discretion usage and society has the rights obtaining information on his complaint solution.

**Article 39**

Paragraph (1)

Self-explanatory

Paragraph (2)

The term of "governmental elements" shall be government officials equivalent with the Ministers ex officio.

The term of "the police experts" shall be a person who has expertise in police matters.

The term of "leaders of society" shall be informal leaders of society that have been proved paying attention to the police.

Paragraph (3)

Self-explanatory

**Article 40**

Self-explanatory

**Article 41**

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

The term of "Peace Keeping Operation" shall be duties requested by the United Nations to a certain country under operational budget, responsibility and attributes and flags of the United Nations.

**Article 42**

Paragraph (1)

Self-explanatory

Paragraph (2)

Cooperation between the State Police of the Republic of Indonesia and other parties aims to ease performances of police functionally with no intervention to each party.

Special cooperation with local governments shall be providing inputs of general security aspects to Local Governments and related institutions and community activity in the context of enforcing the implementation authority of local administration in accordance with laws and regulations.

Paragraph (3)

The term of "multilateral cooperation" shall be cooperation with International Criminal Police Organization-Interpol and Aseanapol.

Paragraph (4)

Self-explanatory

**Article 43**

Self-explanatory

**Article 44**

Self-explanatory

**Article 45**

Self-explanatory

**SUPPLEMENTARY STATE GAZETTE OF THE STATE OF THE REPUBLIC OF  
INDONESIA NUMBER 4168**