

JURIDICAL REVIEW OF THE IMPLEMENTATION OF POLICE REGULATION NUMBER 10 OF 2025 IN THE IMPLEMENTATION OF POLICE DUTIES

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Abstract. *As public governance continues to evolve, the Indonesian National Police (Polri) is expected to carry out its functions professionally, accountably, and within the boundaries of the law. National Police Regulation Number 10 of 2025, which governs the placement of Polri members outside the organization's structure, represents one such effort to reinforce good governance. The regulation is designed to establish legal certainty over how these officers are assigned, supervised, developed in their careers, and held accountable while serving beyond the institution. This study examines how Police Regulation Number 10 of 2025 is implemented in practice and assesses its effectiveness against the principles of legal certainty, utility, and justice. A normative legal research method was adopted, combining statutory and conceptual approaches, and drawing on primary, secondary, and tertiary legal materials analyzed qualitatively. The findings suggest that the regulation offers a clearer legal basis for assigning police personnel outside the institutional structure, strengthening professionalism, accountability, and effectiveness in law enforcement. Even so, obstacles persist, particularly in inter-agency coordination, regulatory harmonization, supervision, and career management for officers serving outside Polri. Addressing these gaps calls for stronger oversight mechanisms, better regulatory harmonization, and closer institutional coordination to sustain professional and accountable policing.*

Keywords: *Police Regulation Number 10 of 2025, Legal Review, Police Duties, Legal Certainty, Public Governance.*

A. INTRODUCTION

As affirmed by Article 1 paragraph (3) of the 1945 Constitution, Indonesia is founded as a state of law, meaning every act of government must rest on valid legal provisions. Within this constitutional framework, the National Police of the Republic of Indonesia occupies a strategic position, tasked with maintaining public security and order, enforcing the law, and

protecting and serving the community, as mandated by Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia.

Shifting patterns of governance, globalization, advances in information technology, and the growing complexity of public service delivery all demand closer synergy between the National Police and the various ministries, state institutions, and government agencies it works alongside. In practice, a considerable number of Polri members are assigned to functions outside the organization's own structure, a practice intended to strengthen the effectiveness of government administration, law enforcement, supervision, and public service.

Placing Polri members outside the police structure, however, carries a range of legal and administrative consequences, touching on personnel status, career development, the scope of position responsibilities, supervision, and the coordination between the National Police and the receiving agencies. Prior to Police Regulation Number 10 of 2025, the existing mechanism was widely regarded as insufficient to keep pace with organizational needs, which is what prompted the push for a more adaptive regulatory framework.

National Police Regulation Number 10 of 2025 was drafted to improve on the previous arrangement, offering clearer legal certainty for the procedures governing the placement of Polri members outside the organizational structure. Beyond its administrative provisions, the regulation also reaffirms the principles of professionalism, accountability, and effectiveness that should guide the performance of police duties.

Under Law Number 2 of 2002, the police are not positioned as a stand-alone instrument of the state but as an integral part of its broader institutional structure. The law entrusts the police with the essential task of safeguarding national security and public order. Answering directly to the President, the National Police plays a central role in fostering a safe and orderly environment conducive to community life.

Among government institutions, the police occupy a particularly important legal role. In a state governed by law, legal life is shaped not only by the substance of the law and its underlying legal culture but also by structural factors and legal institutions themselves. Because the National Police faces real constraints in personnel, equipment, and operational budget, community involvement remains indispensable to sustaining security and public order. This reflects a broader responsibility shared by governments everywhere to protect their citizens

through three core functions: delivering civil services, providing public services, and strengthening community empowerment through policy.

From the standpoint of administrative law, a regulation's success cannot be judged merely by the existence of legal norms; what matters equally is how effectively those norms are applied in practice. A regulation earns the label "effective" only when it delivers legal certainty, generates real benefit for the community, and achieves justice for all parties involved. Police Regulation Number 10 of 2025 therefore warrants a comprehensive analysis to determine how far it actually supports the professional discharge of police duties.

This study carries particular significance because the successful implementation of any regulation depends heavily on regulatory harmonization, the readiness of human resources, inter-agency coordination, and effective supervisory mechanisms. It is hoped that the research will contribute academically to the development of police law while also offering practical input for policymakers seeking to strengthen how the National Police carries out its duties.

B. RESEARCH METHODOLOGY

1. Research Paradigm

This study adopts a constructivist paradigm, chosen because the research seeks to generate a fresh line of thought and theoretical understanding on the juridical review of how Police Regulation Number 10 of 2025 is implemented in policing duties.

Central to the constructivist paradigm is the view that social life cannot be understood through objective considerations alone; it must also account for individual actions rooted in subjective reasoning. Weber similarly argued that individuals shape their societies, though this influence is conditioned by rationality, and that social action can only be properly understood through interpretation (*verstehen*). Methodologically, this paradigm relies on hermeneutic and dialectical methods to arrive at truth. As Agus Salim explains, the hermeneutic method works by identifying truth through the construction of people's opinions, while the dialectical method compares and cross-examines those opinions to reach a mutually agreed consensus on truth.

C. DISCUSSION

1. Legality of Police Regulation Number 10 of 2025 in the Implementation of Police Duties

Indonesian legal doctrine holds that government, as policymaker, must act on the basis of laws and regulations, just as the community, in living out state life, is likewise bound by the prevailing legal framework. In a state of law, legislation serves a dual function: it secures legal certainty and protects human rights, while also legitimizing the exercise of state power. Where the principle of legality is not applied thoroughly and consistently, the risks of arbitrariness, injustice, and legal instability only grow. A clear grasp of how these principles operate within the Indonesian legal system is therefore essential to realizing the ideal of the rule of law.

At the sectoral level, various laws and regulations are tasked with setting legality standards. Law Number 2 of 2002 concerning the National Police, together with its implementing regulations, is one such example rooted in the principle of legal certainty. This principle demands that every action and decision taken by a government agency or official rest on applicable laws and regulations, so as to provide clarity and certainty for all parties concerned.

Viewed through the lens of constitutional law as set out in the 1945 Constitution, the police institution qualifies as a government institution (*regeringsorganen*). Institutionally and functionally, then, the Police can be regarded as an administrative organ, given that its duties in maintaining security and public order are essentially administrative in nature. The logical consequence is that the Police, as a government institution, is positioned under the President as head of government. Since the President's responsibilities are far too extensive to carry out alone, the duties and authority of policing are necessarily delegated to the police institution through both attributive and delegated powers.

The Police's institutional standing can also be equated with that of a Ministry, a reflection of the parity in their roles and positions. Both operate directly under the President, and both carry out government functions within their respective domains. Consequently, the regulatory products issued by the Police and by a Ministry occupy the same horizontal, non-subordinate footing.

As noted earlier, the Indonesian legal system recognizes two pathways through which the authority to form laws and regulations may arise: attribution and delegation. Implementing regulations derive from delegated authority, whereas autonomous regulations stem from attributive authority. Attribution (*attributie van wetgevingsbevoegheid*) refers to authority granted directly by the Constitution (*Grondwet*) or a Law (*wet*) to a state or government

institution; this authority is inherent to the institution and may be exercised on its own initiative, within the limits set. Delegation (*delegatie van wetgevingsbevoegheid*), by contrast, involves higher-level regulations passing authority down to lower-level regulations, whether that delegation is stated explicitly or not.

This authority finds its basis in Article 7 paragraph (1) of Law Number 12 of 2011, as amended by Law Number 13 of 2022 on the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, which sets out the hierarchy of legislation. This hierarchy exists on the premise that lower-level regulations may never conflict with those above them, a principle consistent with Hans Kelsen's *Stufentheorie*, or theory of the tiered structure of legal norms. Kelsen argued that legal norms form a layered order in which each lower norm derives its validity from a higher one, and that higher norm from one higher still, continuing until the chain reaches a norm that can no longer be traced further, a hypothetical and fictitious norm he called the *Grundnorm*, or Basic Norm.

Beyond signaling the validity of a legal norm, the hierarchy of laws and regulations also embodies a key principle of legislative formation: that of institutional competence, or proper authorship. This principle requires that legislation be enacted only by the state institutions or officials duly authorized to do so. In doing so, it affirms the need for clear authority over which organs or institutions may issue particular laws and regulations, since legislation produced by unauthorized institutions or officials can be annulled or declared void.

Although Police Regulations are not formally listed within the hierarchy set out in Article 7 paragraph (1) of Law Number 12 of 2011 and its amendments, this omission does not exclude them from the broader category of laws and regulations. Article 8 of the same Law and its amendments explicitly recognizes legislation enacted outside the formal hierarchy, provided it is grounded in higher-level regulations or in valid authority.

Given that Police Regulations qualify as a recognized type of legislation, the next question is where they sit within the structure of Indonesian laws and regulations. Determining this position requires reference to the structure of government itself, which is outlined below before the analysis proceeds.

2. Juridical Analysis of the Implementation of Police Regulation Number 10 of 2025 in the Implementation of Police Duties

National Police Regulation Number 10 of 2025 (Perpol Number 10 of 2025), which governs the mechanism for assigning Polri members outside the organizational structure, including the possibility of placing them in ministries and civil institutions, has reignited a long-standing debate. The issue intensified after the Constitutional Court issued Decision Number 114/PUU-XXIII/2025, affirming constitutional limits on dual positions held by National Police members. Normatively, Perpol is indeed recognized as legislation under Article 8 of Law Number 12 of 2011, read together with Law Number 13 of 2022 on the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations. That recognition, however, does not place Perpol beyond the reach of the legal hierarchy; it must remain consistent with statutory law, Constitutional Court decisions, and constitutional principles.

Perpol Number 10 of 2025 functions as an internal regulation, providing technical guidance on the procedures for placing and assigning Polri personnel outside the organizational structure, covering both the application process and the decision to station personnel within various ministries or institutions. In practice, it creates a formal channel through which police officers can enter the civil bureaucracy, and official statements and institutional reports indicate that dozens of managerial positions across several ministries and institutions have already been filled through this mechanism.

In Article 3 of the Indonesian National Police Regulation Number 10 of 2025, it states:

- (1) The implementation of the duties of Members of the National Police in positions in the country as referred to in Article 2, letter a shall be carried out on:
 - a. Ministries/Institutions/Agencies/Commissions; and
 - b. International organizations or foreign representative offices domiciled in Indonesia.
- (2) The implementation of the duties of Members of the National Police in ministries/institutions/agencies/commissions as referred to in paragraph (1) letter a can be carried out at the Coordinating Ministry for Politics and Security, Ministry of Energy and Mineral Resources, Ministry of Law, Ministry of Immigration and Corrections, Ministry of Forestry, Ministry of Maritime Affairs and Fisheries, Ministry of Transportation, Ministry of Protection of Indonesian Migrant Workers, Ministry of Agrarian and Spatial Planning/National Land Agency, National Resilience Agency, Financial Services Authority, Financial Transaction Reporting and Analysis Center, National Narcotics Agency, National Counterterrorism Agency, State

Intelligence Agency, State Cryptography Agency, and Corruption Eradication Commission

Article 3 explicitly governs the internal affairs of the National Police, with active Polri members, not other ministries or institutions, as its regulated subject. The norms it establishes impose no new obligations on outside agencies, do not alter the position structures within ministries or state institutions, and do not compel any institution to accept National Police members. In essence, the arrangement is purely an administrative mechanism through which the National Police assigns its own personnel whenever the state, via legitimate channels, calls for police expertise beyond the organization's structure.

This regulatory model is far from unprecedented. In Indonesian constitutional practice, nearly every state institution maintains internal regulations governing how its personnel may be assigned outside the parent organization's structure. The Indonesian National Army, for instance, has long relied on TNI Commander's Regulation Number 61 of 2018 concerning the Assignment and Career Development of Soldiers in Positions Outside the TNI Structure, which governs how active soldiers may be placed beyond the TNI while retaining their military status and remaining subject to the internal development system. That regulation has never been treated as unconstitutional, accused of militarizing civilian institutions, or challenged as an intervention into other agencies' affairs. The same holds for the Prosecutor's Office: through Prosecutor's Regulation Number 3 of 2021, the Attorney General governs the assignment of Prosecutor's Office employees, including functional prosecutors, to positions both inside and outside government agencies. This norm addresses purely internal staffing matters, namely who may be assigned, the applicable mechanism, and how coaching and supervision are conducted, without regulating or constraining the authority of the receiving institution in any way. Yet active prosecutors have long served across various state institutions without ever triggering constitutional controversy.

Even within the judiciary, the Supreme Court relies on its own regulations to govern the assignment of judges in specific contexts, including special courts and other judicially relevant forums. In the executive branch, most ministries similarly maintain ministerial regulations on assigning employees to other institutions, cross-ministerial task forces, or

independent bodies. All of these follow the same underlying pattern: internal regulations with internal subjects that nonetheless produce cross-sectoral effects.

Viewed within this framework, treating Perpol Number 10 of 2025 as a cross-institutional regulation is a conceptual error. Listing ministries or institutions within the Perpol does not, by itself, turn it into a regulation governing those other bodies; the list merely sets an internal boundary for where National Police members may be assigned, without binding the receiving institution to any obligation. In administrative law, distinguishing between “regulating one’s own subject” and “regulating another party” is among the most fundamental analytical starting points.

D. CONCLUSION

Based on the discussion that has been described above, the author can make the following conclusions:

National Police Regulation (Perpol) Number 10 of 2025 is designed to govern, from an administrative standpoint, how Polri members carry out their duties outside the organizational structure of police institutions. In substance, it details the mechanisms for assignment, the administrative requirements involved, and the limits placed on the receiving agency where members of the National Police are stationed. Viewed through the lens of professional ethics, policing carries a high moral and social mandate; its professional ethics rest on core values such as moral integrity, neutrality, accountability, and adherence to the law, values that ethically bind the conduct of Polri members both within the organizational structure and during assignments beyond it.

Normatively, Perpol Number 10 of 2025 is consistent with Article 8 of Law Number 12 of 2011 and its second amendment, Law Number 13 of 2022, while Article 3 of the Perpol identifies active National Police members as its regulated subjects. The debate resurfaced following Constitutional Court Decision Number 114/PUU-XXIII/2025, and resolving it calls for action on four fronts: first, harmonizing and correcting Perpol Number 10 of 2025 itself; second, affirming clearer norms through limited amendments to Law Number 2 of 2002 concerning the National Police, explicitly defining the relationship between active Polri membership and eligibility for civilian positions; third, strengthening constitutional and

administrative supervision mechanisms; and fourth, over the longer term, embedding a merit-based system for filling civil service positions.

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