

The Importance of Police Neutrality in Creating Democratic Election

Ratnia Solihah, Siti Witianti, Mustabsyirotul Ummah

Abstract

Indonesian National Police's (Polri) professionalism regarding elections is identified by the public with the neutrality of the police in realizing democratic elections. Polri's professionalism in the political year ahead of the simultaneous elections in 2019 is still considered not optimal by some circles, when viewed from the institution's neutrality attitude and behavior in dealing with several issues in relation to political contestation in the political years, especially before the simultaneous elections in 2019 or in some time in the socio-political life of the community. These issues involve the context of the election which involves the existence of different groups of support and can cause ongoing conflict if not handled properly, fairly and impartially by the police. By using a qualitative approach through literature studies, this paper identifies problems that arise in the context of national neutrality in relation to elections, explains the neutrality arguments of the police in elections, and analyzes the importance of national neutrality in realizing democratic elections in accordance with the prevailing laws and regulations. The results of the study show the importance of the neutrality of the National Police in realizing democratic simultaneous elections, by carrying out the 13 attitudes of national neutrality in the elections, which serve as guidelines for the police as an institution and the police (its members) in contributing to the successful, direct, free, secretive and honest and fair administration of elections.

Keywords: neutrality, police, elections



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Introduction

The year of 2019 in Indonesia will be preoccupied with big political agenda of the general elections, namely the legislative general election and the presidential-vice presidential election held simultaneously. Even before that too, regional elections were held simultaneously which also absorbed public energy, including the police. In each of these elections, demands for maximization of police performance increased. Especially in maintaining public security from the escalation of elite political tension that often spreads to the grassroots. It has become very common in every electoral process, both national elections and local elections are always colored by small and large explosions that accompany elite competition in power struggles. Even not infrequently also leads to the emergence of material and soul victims.

Polri's performance during the election is identified by the public with the neutrality of the police in realizing democratic elections^{1,2,3}. Neutrality is seen as an attitude and behavior of the impartiality of the police towards one or several political institutions and political forces that follow political contestation in the election. In plain view, the public views the neutrality of the police in the elections, among others by assessing the attitudes and behavior of the police in dealing with conflicts that occur between supporters of the candidates/election participants and in providing a sense of security for various parties (the elites and the mass) related with the political contestation. Handling conflicts and providing security for everyone is not only a task and a burden on the police, because civil rights in their essential politics are peaceful and are entirely ethical choices from the elite and the masses.

By using Jurgen Habermas's thinking ⁴, politics should be fair competition in the public sphere, with freedom of expression, but ethically, not imposing will, especially violence. Elite awareness and mass are therefore the keys to a healthy democracy, besides being supported by clear and fair rules of the game. The National Police, therefore, should become the agent outside the arena, who only act in security, guarding the administrative mechanism of the election itself.

However, Indonesia has not fully demonstrated the maturity of democracy. The thing that makes the police is not only preoccupied with the mobilization of forces to control the masses or detect potential security disturbances, but it also has the potential to be dragged into the political vortex itself. Walker and Waterman⁵ explained, the political situation, especially elections, might influence public attitudes towards

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the police, as well as influence the behavior of the police themselves. The phenomenon of the withdrawal of the police in a political vortex, among others, can be seen from several horizontal conflicts before the election such as conflicts between supporters of the masses in declarations of support for different candidates whose handling is considered insufficient and not even neutral by certain circles, as well as some issues of internal police inequality deal with parties who persecute the community or those who criticize or oppose the government.

The neutrality of the National Police in elections is very important because it is one of the keys to the success of democratic elections. This was stated by TNI Commander Marshal Hadi Tjahjanto at the TNI Command Staff School in Bandung.⁶

However, in realizing the neutrality of the National Police in simultaneous elections, one of which was conducted in the lead up to the simultaneous elections in 2019, is still in question as well as a matter of concern to various circles, particularly the national neutrality in handling conflicts between supporters of the masses in recent times. The importance of police neutrality to realize simultaneous democratic elections is one of the interesting things to study in this paper, which is not only seen as a form of police professionalism as stated in the National Police Neutrality Guidelines but also as a form of law enforcement institution ethics in carrying out good democratic principles.

Research methods

Study on the importance of police neutrality in creating democratic elections requires an in-depth identification and understanding to see the political context surrounding the problems of study and the processes that occur in the neutrality of the police. Therefore, the research approach used is qualitative research by using literature studies. As stated by Maxwell⁷, qualitative research is aimed at understanding meanings, understanding particular contexts, anticipating phenomena and influences that are not anticipated, and understanding the process. This study aims to identify the problems that arise in the context of national neutrality in relation to elections, explain the neutrality arguments of the police in elections, and analyze the importance of national neutrality in realizing democratic elections in accordance with the prevailing laws and regulations^{8,9,10}.

Results and Discussion

Police and Elections

The word “Polri” according to the provisions of Article 20 Paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police is stated that the State Police of the Republic of Indonesia consists of “Polri Members” and “Civil Servants”. Legally, both members of the National Police and Civil Servants are citizens who have equal status before the law, so that all citizens have the same rights in the political context. Second, the meaning of “Election” is a form of party and the application of the principle of democracy in people’s lives in the continuity of the structure of national and state organizations in order to elect representatives in the legislative body and the president/vice presidential pair. This right lasts for the next five years and is carried out through an honest, fair, direct, public, free and confidential mechanism. This as stipulated in Law No. 10 of 2008 concerning General Elections of members of the DPR, DPD, and DPRD.

For the above purposes, the National Police are given roles, duties, and obligations as members of the Election Supervisor, Safeguard and Election implementer. To fulfill these work demands, interests, and abilities, the National Police must be able to act, desire, and work well and neutral in their existence, role and duties. In the form of appearance, the National Police are also required to be able to play an independent, proportional and professional role.

According to Rahardjo¹¹, At the very least, Polri in law enforcement and neutrality in elections must consider several interrelated matters. First, the concept of law enforcement is the total (total enforcement concept). This demands that everything be worth considering without exception. Second, law enforcement is full (full enforcement concept). It must be realized that the total concept needs to be limited by the procedural law. Third, the concept of actual law enforcement that arises after discretion in law enforcement.

In addition, the National Police as one of the pillars in the life of democracy cannot avoid the problems of the state and citizenship. This is very important because the National Police, who are demanded to be neutral and work professionally, are also required to understand the aspects of the constitutionality of the state, state institutions, functions of government, goals of the state and society as citizens. Thus, the position as a citizen and also as a law enforcement apparatus becomes very strict, regarding their rights, obligations, and responsibilities¹².

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Regarding the role of the neutrality of the National Police in the General Election, the problem arises. First, how is the neutrality of the National Police in theory and practice? Second, the prospect of the National Police's prospective neutrality in the future is related to the neutrality of the National Police as a law enforcement institution as well as its members as citizens. The important argument put forward is the neutrality of the National Police in general elections is important and necessary, without having to eliminate political rights, especially the right to be elected and to participate in government and the state.

The Neutrality Argument of the National Police in the Election

Neutrality can be interpreted as an attitude of not actively and passively giving support to political groups/parties that have an interest in winning elections. In the history of the Indonesian state administration, this attitude is referred to as the independence of the National Police as an element in law enforcement.

According to Falaakh³, the independence or independence of the National Police is interpreted as independent operational and coaching. In addition to that, it is also independent in the sense of a sufficient number of personnel, quality of professionalism, and also obtaining welfare.

On the basis of this view, it becomes relevant to link neutrality with the institutional independence of the police. There are several reasons or arguments for why the National Police need to have a neutral attitude towards the Election. On one hand, the reflection of the neutrality of the National Police in the General Election must be realized in the independence, proportionality, and professionalism of the existence and implementation of the National Police's work. This is because the role of the National Police is "guarding, protecting, and serving the public, law enforcement and maintaining public security and order".

On the other hand, the National Police are required to be able to mobilize freely and to be able to be in the midst of people's lives. Thus, in the appearance of attitudes that are not in favor of the interests of groups or affiliates in practical political activities certain political parties are very decisive. Considering the demands of the tasks and obligations of the National Police, it is necessary to note whether there is a nature of neutrality. This attitude of neutrality is a demand and reflection of the National Police institution as well as being a model of education for other citizens.

The importance of the attitude of neutrality of the National Police in the Election was stated by Teguh Soedarsono⁴⁴ as follows: first, to maintain and realize the professionalism and proportionality in the work of the National Police both individually and institutionally, wisdom and haste from various parties within the National Police to delay and/or not use their political rights (the right to vote) without losing their human rights as members of the community, nationals, as well as Indonesian citizens to get “elected rights.” With the right to vote and be elected, it means that citizens take part in determining the policy of the Government.

Second, to realize the role and duties of the National Police in providing protection, protection and service to the community, as well as in the task of law enforcement as well as fostering conditions of security and public order, especially in realizing the vision, mission and strategies of community policing or “community politics” status is required and Polri’s work behavior is independent, solid, and close to the community. But with that identity, he should still have the opportunity to determine the future of the community, nation, and his country.

Third, the National Police can participate in realizing national goals and interests expressed in national development and the implementation of the General Election for the continuity and sustainability of life in the community, nation, and state. Therefore, it is necessary to have a task force and work capability function unit within the Polri organization that must be formed in a planned, structured and systematic manner. Thus, the right of obligation and authority and responsibility for the interests of the nation and state can be achieved gradually, in accordance with the organizational line.

Fourth, to carry out the role and duties of the National Police as the element of security, guards, and election supervisors, the appearance and attitude of the National Police are firm, neutral and authoritative. Therefore, the existence and work attitude of the National Police must always be unbound and not influenced by the various interests of the groups who are contestants of the Election. This demand is very logical because the National Police as a protector also acts as a law enforcer who is always demanded to be fair in carrying out their duties.

Fifth, to avoid the depletion of the sense of loyalty, dedication and performance of the Indonesian National Police in carrying out the duties of the National Police, as well as to maintain the degraded condition of the discipline and compliance of the National Police

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unit in carrying out their work roles and responsibilities. With the various practical political interests and interests of political parties as experienced by the past, every police officer is required to be neutral.

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Sixth, to fulfill, maintain, and realize the hopes of the people so that the National Police can become a stronghold of the state, guide the community, referee the purity of democracy in the General Election, as well as the agent of change in national reform, the National Police needs commitment, consistency and honesty in acting freely and behaving in a neutral manner every stage of the Election process. This is in line with the attitude of law enforcement that must uphold ethics and morals. Because, in the current development, legal reforms should also reform law enforcement institutions. Consequently, the National Police as a law enforcement institution that plays the role of change should be demanded not only to think of formal legal or juridical approaches, but also to increase efforts to understand the rule of ethics or the code of ethics.

The argument put forward refers to the 1948 UN Universal Declaration of Human Rights that what is formally proclaimed at the level of rights through a fully ethical perspective on the intrinsic dignity of the human person, the freedom that must not be removed and the fundamental alignment of all people and the solidarity and independence of all human beings¹¹.

The neutrality demands of the National Police are formally legal, or the normative legal framework seems to be argued not only to prevent inequality in law enforcement but also to reject the emergence of conflicts of interest that can harm the community and also the National Police as citizens.

The Importance of Polri Neutrality in Realizing Democratic Elections

An election is a democratic process that is full of political content, competing for influence to achieve a position, position, and power. That is why the presence of a democratic, open, honest and fair election that is carried out in a Free and Confidential Direct Public manner becomes a demand for the success of the Election, which can give birth to the people's trust. The success and realization of democratic elections require the support of various parties involved by carrying out their respective roles and duties, both election organizers, election

participants (candidates), successful teams, supporters, independent supervisors and security, and law enforcement.

In this study, the author focuses his study on the role and tasks of the National Police as one of the security and law enforcement institutions in the implementation of elections, especially those related to the neutrality of the National Police in elections which are still highlighted by various parties. The condition of the National Police in relation to politics or elections is not only a problem that occurs in Indonesia but also occurs in several other countries.

Based on research conducted by Walker and Waterman⁵ in Costa Rica, Mexico, and the United States, it is known that policing can become a political agenda (politicized) because of the issue of law enforcement in the party campaign. At this point, a demand arises for the neutrality and professionalism of the police in the electoral political process. Walker and Waterman⁵ also gave an analysis that, the development of democracy in a country also affects the performance of the police, which can then have implications for the attitude of the police themselves in politics. Polri's performance in a new democratic country is often a reflection of the overall unconsolidation of state management.¹⁵

The maximum principles of democracy and good governance in a country are not yet very susceptible to bring the national police institution which should be impartial into political currents and take sides. Situations that should not occur to create a safe society and protect the interests of many parties. The alignment of state institutions such as the National Police will certainly distance the reality of democratic dreams.

Regarding the issue of national neutrality in the context of Indonesia's elections, among others, can be seen from various events in the political year ahead of simultaneous elections for presidential and legislative elections, namely:

- a. President Joko Widodo's request to members of the TNI and Polri to explain the achievements of the government's performance to the community. According to Gerindra politicians, Jokowi's request has the potential to pull back the two institutions into practical politics. The president's attitude is bad for democracy and harms TNI-Polri. President Joko Widodo's request in front of TNI-Polri members to socialize the performance of the government was considered by various groups to be highly politi-

cal, disproportionate, which would not only injure the electoral process but could break down democracy. There are two fundamental reasons underlined by Gerindra Politicians regarding the issue. First, the president's request contradicts the TNI-Polri Law. In Article 39 Paragraph 2 of Law Number 34 of 2004 Tentang TNI, soldiers are prohibited from engaging in practical political activities. While Article 28 Paragraph 1 of Law Number 2 of 2002 concerning Polri states that the National Police are neutral in political life and do not involve themselves in practical political activities. This prohibition was also reaffirmed in Article 67 of the General Election Commission Regulation (PKPU) Number 23 of 2018 concerning the General Election Campaign. The TNI and Polri are prohibited from taking actions that benefit or harm one of the election participants. So, regulations that maintain the neutrality of the TNI-Police are very strong. In addition to being banned from the law, socializing the performance of the government, not part of the TNI-Polri's duties, because members of the TNI-Polri were not specifically prepared to carry out these tasks. According to the law, there are three main tasks of the TNI, namely to uphold the sovereignty of the state, maintain territorial integrity and protect all nations and all of Indonesia's bloodshed from threats and interference. In its implementation, it was possible for the TNI to carry out Military Operations Other Than War (OMSP).¹⁶

- b. The lack of security of certain parties who make a declaration of support for one of the presidential-vice presidential candidates who will participate in the 2019 presidential election. In this case, the professionalism and neutrality of the police are in the public spotlight, because the issue of providing security for all people is considered to reflect the policing bias on one particular party.¹⁷
- c. The handling of the law of the police against those who commit hate speech, hoaxes, black campaigns and defamation that are considered by certain circles is still selective or discriminatory.¹⁸
- d. The handling of police law which is valued by some people is still discriminatory or still reflects the impartiality or injustice of the police in treating parties/groups of people who carry out persecution and other parties/groups of people who are persecuted.¹⁹

Some of the issues above which deal with the police are considered as problems of neutrality or professionalism of the police in relation to

political contestation in the political years, especially in the lead up to the 2019 elections or in some time in the socio-political life of the people²⁰. These issues involve the context of the election which involves the existence of different groups of support and can cause ongoing conflict if not handled properly, fairly and impartially by the police.

The existence of various problems related to the neutrality of the National Police in the elections led to the birth of the guidelines of the attitude of national neutrality in the 2019 elections. Overall there are 13 attitudes of national neutrality in the election, as stated by National Police Chief Tito Karnavian, that all members of the National Police are obliged to guide 13 attitudes of neutrality, including:

1. Members of the National Police are prohibited from declaring themselves as potential candidates for Tito to say everything. Members of the National Police are prohibited from declaring themselves as potential candidates for the head or deputy regional head or legislative candidates during the election or election.
2. It is forbidden to accept or request gifts.
Polri members are prohibited from accepting or requesting or distributing promises, gifts, donations or assistance in any form from the political parties, candidate pairs, and successful teams in the election or post-conflict local election activities.
3. It is prohibited to use to order others to place party or candidate attributes.
Members of the National Police are prohibited from using, installing, ordering others to install attributes that read or display political parties, candidates, and candidate pairs.
4. It is forbidden to attend or be a speaker, and a speaker of political activities.
Members of the National Police are prohibited from attending, being speakers, speakers at declaration activities, meetings, campaigns, meetings of political parties except in carrying out safeguards based on a duty order.
5. It is prohibited to promote and disseminate the attributes of parties or candidates.
Members of the National Police are prohibited from promoting, responding to and disseminating images or photos of would-be candidates for the head or deputy regional head, either through the mass media, online media, and social media.
6. Doing photos together.

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- Members of the National Police are prohibited from taking photos together with prospective candidates or deputy regional heads or legislative candidates.
7. It is forbidden to provide political support in any form.
Polri members are prohibited from providing political support and impartiality in any form to prospective heads, deputy regional heads, legislative candidates, successful teams.
What must be done is to provide security in a series of election or post-conflict local election activities?
 8. It is forbidden to be a board or member of the candidate pair's success team.
National Police Member IDs are prohibited from being administrators or members of successful candidate teams for candidates or candidates in the General Election Election.
 9. It is prohibited to use authority or make political decisions .mes / Sukma Shakti
Members of the National Police are prohibited from using authority or making decisions and actions that can benefit, or harm the political interests of political parties and candidate pairs and candidates in the General Election Election activities.
 10. It is prohibited to provide official or personal facilities. Times / Sukma Shakti
Members of the National Police are prohibited from providing official or personal facilities for the benefit of political parties, candidates, election candidates, successful teams and candidate pairs during the campaign period.
 11. Doing black campaigns is prohibited.
Members of the National Police are prohibited from carrying out black campaigns (black campaign) against candidate pairs and are prohibited from advocating abstentions.
 12. It is prohibited to provide information to anyone.
Members of the National Police are prohibited from providing information to anyone related to the results of vote counting, in the election or Pemilukada voting activities.
 13. It is prohibited to be a general election committee.
Polri members are also prohibited from being the General Election Committee, members of the General Election Commission (KPU) and the Election Oversight Committee (Panwaslu), as well as intervening in determining and determining the Election participants.

In relation to the still lack of neutrality of the National Police in the election, it can be seen through the Walker and Waterman Analysis ²¹, which provides a wider space for analysis than just how the police play a role in safeguarding general elections. As explained earlier, the discussion about police and elections has a plural meaning. Even if reduced to two major issues, namely professionalism and neutrality. Professionalism is certainly related to the function of policing in elections, while neutrality is related to the political distance of the police institution with political actors fighting in the general election, including the distance of the police themselves and the political process.

Free, honest and fair elections are an indicator of an adult democratic state. Therefore, to ensure freedom, honesty, and justice, administrative and legal instruments are needed that can guarantee the security of each stage of the electoral process. One of them is the role of the police in ensuring security and cracking down on criminal offenses according to the law. Even in advanced democratic countries, elections are not a process that can be 100% free from problems, irregularities, and criminal elements.

Research Topo Santoso et al. ²² recorded a number of criminal acts that occurred in the 2004 general elections, including: intentionally causing others to lose their right to vote, falsifying prospective diplomas, insulting other candidates, money politics, incitement and sheep fighting, abuse voter card, to change the results of the recapitulation of the votes. In its analysis, violations such as this still occur in 2009 and also have the potential to occur in 2014. In the experience of regional head elections which are conducted almost every year in Indonesia, these types of violations often occur and become factors that can increase the escalation of conflicts between elites spread to the masses. The experience of elections in Indonesia since 1999, including regional elections, is enough to set a precedent that spreads from one time and place to another. Here, the role of the police is very important and central.

Election administration and supervision conducted by the General Election Commission (KPU) and the General Election Supervisory Body (Bawaslu) will not be able to work optimally without the role of the police in preventing and carrying out repression against election crimes. The Memorandum of Understanding between the Indonesian National Police and the KPU for safeguarding the implementation of the elections in the 2013 Jaruani was proof of the importance of the

collaboration. KPU and POLRI realize that every election detainee always has the potential for security disturbances. Police professionalism, through the role of community guidance and intelligence, is needed to prepare anticipatory steps and early detection.

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However, professionalism requires neutrality. Walker and Waterman⁵ have provided an analysis of how vulnerable the police institution is in the moment of elections to enter the political stream itself²³. As a law enforcement institution, police professionalism is required to ensure free, honest, fair. In addition to having the legal authority to take actions, the ability of police personnel to early detection and awareness of the public so that conformists to the law are the capital that determines the success of a democratic party to produce new legislators and leaders. However, professionalism will not be contributive if it is not accompanied by neutrality.

Neutrality, in this case, is interpreted as a firm distance from the National Police with actors fighting in elections and of course the distance to the political process itself. This neutrality is characterized by not acting discriminatively and carrying out duties proportionally. Such as continuing the examination of alleged violations that have been identified previously by the Election Supervisory Body. On the anniversary of the 67th Police, July 1, 2013, the president reiterated that the National Police uphold the code of ethics in the task and provide more responsive and professional public services. This instruction is certainly not without reason because there are still many cases of violations of ethics of police members who are invisible to the public. Things that are certainly worrying can affect the professionalism and neutrality of the police in the big moments of the general election. In Evans's framework, et al²⁴, the professionalism, and neutrality of the police can be characterized by a responsive, non-passive attitude. Not only in action that does not distinguish case by case or group per group, but also in anticipation of potential security disturbances.

Using the framework of Evans et al.²⁴, it can be interpreted that the responsive attitude of the police can be done by optimizing the guidance and counseling functions that provide a wider space for interaction for the police to not only appeal but dialogue about a number of issues that can be anticipated together with the community. It is like inviting elites to be wiser in competing so that it does not become a trigger for unnecessary clashes at the grassroots level, as is often shown by-elections to regions in Indonesia every year. The role

of political parties and elites is crucial in the patron-client political tradition in Indonesia so that the responsiveness of the police can begin long before the election moment takes place by inviting elites to compete ethically.

The period until April 2019 will be a crucial time for the National Police to begin drafting or revising strategic steps to secure this political year. In addition to increasing professionalism, the police need to carry out strategies that are not only general and normative but also optimize the reliable roles of members at the local level. The National Police are local, non-partisan institutions that only carry out the functions of serving and protecting. In this framework, the police will be an institution that is more responsive and not carried away by political currents. In other words, the neutrality of Polri in politics, especially in elections, is very important to contribute to democratic elections.

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Conclusion

Based on the discussion above, it can be concluded that the importance of the police is neutral in general politics and particular elections. Reflection on the neutrality of the National Police in the Election must be realized in the independence, proportionality, and professionalism of the existence and implementation of the National Police's work. This is related to the role of the National Police as a protector, protector, and servant of the community, law enforcers and maintainers of public security and order.

Some issues of police neutrality that still surface and become the spotlight of several circles related to politics ahead of the simultaneous elections in 2019, can be used as an evaluation and input for the police to act professionally by showing neutral attitudes and behaviors as institutions that protect the entire community, without distinguishing distinguish between groups and community groups. Polri is like a referee who must be in a position in the middle of the party that is contesting, and carries out his role well so that the contestation goes well and is sportive (fair play). The National Police is also one of the law enforcement and security institutions that play an important role in contributing to the successful implementation of simultaneous democratic elections in 2019.

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