

JURIDICAL ANALYSIS OF THE ROLE OF THE SUPERVISION INSPECTORATE TO REALIZE DISCIPLINE ENFORCEMENT AND LEGAL CERTAINTY (RESEARCH STUDY ON THE SUPERVISION INSPECTORATE AT THE RIAU ISLANDS POLICE)

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ABSTRACT

The Indonesian National Police (POLRI) is a non-departmental institution that has a role in realizing Indonesia's internal security which includes maintaining public security and order, as well as upholding the law, by upholding human rights. Therefore, internal supervision is needed by the Regional Supervision Inspectorate which is abbreviated as County supervisory inspectorate (Itwasda) in carrying out its authority to carry out functional supervision, and is also tasked with receiving public complaints (dumas) both electronically (websites) and conventionally (direct complaints), namely in the form of information, complaints, dissatisfaction and/or deviations from the performance of the Regional Police in order to obtain settlement and legal certainty, both electronically and conventionally involving members of the police, who are suspected of having committed violations as well as a measure of neutrality from the independence of the implementation of the internal control function by County supervisory inspectorate (Itwasda) against members of the police in the environment Riau Islands Police.

Keyword : *Police, Inspectorate, Supervision, Complaints, Justice*

Introduction

The dynamics of today's society continue to develop both in terms of technology (science) to the events of everyday people's lives often cause problems over the disruption of security and order in society and bring losses both materially and non-materially to others. Therefore, related to the constitution of the Republic of Indonesia, Article 1 paragraph 3 that Indonesia is a State of law and in Article 27 paragraph 1 that all citizens are equal in their position in law and government and are obliged to uphold the law and government with no exception (*equality before the law*). Therefore, society is obliged to obey and obey the law, in the common interest in creating a safe and peaceful State. (Constitution Republic of Indonesia)

In addition, the development of the increasingly complex law, the public often gets a disappointing feeling / thing, in connection with the rejection of complaints or reports and / or stopped / slow in handling a criminal law event for reporting by the community on the police, and of course this is very detrimental to the community due to

the behavior of certain individuals, for various reasons such as: not enough evidence, where the event is more towards civil law, besides that also the investigation process is slow and hampered because of something, arrogance and intimidation of the forces, requirements that are not in accordance with legal procedures in the police and cannot run as appropriate without proper and correct explanation / information on an event to the reported public. There are several causes of this happening, in the opinion of SoerjonoSoekanto there are 5 inhibitory factors / obstacles that is: (SoerjonoSoekanto, 2008)

- a. The legal factor itself (the law).
- b. Law enforcement factors, namely those who form or apply the law.
- c. Factors of facilities or facilities that support law enforcement.
- d. Community factors, i.e. the environment in which the law applies or is applied.
- e. Cultural factors, namely as a result of work, copyright and taste based on human nature in the association of life.

Therefore, when speaking the extent of the effectiveness of the law, it must first be seen to measure the extent to which the rule of law is understood or not understood and obeyed or not obeyed. If a rule of law can be understood and adhered to by most targets who are subjected to its obedience then it will be said that the rule of law in question is effective. To answer this, it is necessary to have legal awareness and legal observance which are two things that determine the effectiveness or absence of the implementation of legislation or the rule of law in society. Legal awareness, legal observance, and the effectiveness of legislation are three interconnected elements. Often people confuse the consciousness of the law and the observance of the law, even though the two are very closely related, But not exactly the same. Both elements are indeed very decisive or not the implementation of legislation in the people's. But not exactly the same. Second elements are indeed very decisive or not the implementation of legislation in the people's.

Related to the applicable legal regulations in accordance with Law no. 2 of 2002 on Police, Article 15 and reinforced by Article 102 paragraph (1) of the KUHAP, namely: Investigators who know, receive reports or complaints about the occurrence of an event that should be suspected of being a mandatory criminal act immediately carry out the necessary investigative actions and police regulations no. 9 of 2008 on the procedure of public complaints in the Police environment, then the Police should be more thorough and careful in receiving public complaints to be examined (studied), Whether this is a criminal case or not a criminal case, because the police as a protector, service and law enforcement for the community, should be forward a sense of professionalism, openness and honesty as a police based on the presumption of innocence, in connection with which the government has also passed Law No. 37 of 2008 on the Ombudsman and The Law. No. 25 of 2009 Public Service, for synergy between police and stakeholders by upholding the rule of law in optimizing services to the people. In law enforcement, it is expected that the police are humanist and implement the Precision Program (Predictive, Responsibilities, and Transparency of Justice) which has been proclaimed by the Police Chief in 2021. This is a reform within the Police body to realize the Integrity Zone (ZI) Towards a Corruption-Free Area (WBK) and a Clean and Serving Bureaucratic Area (WBBM). With the police revolution 4.0 with electronic community complaints (E-Dumas) based on application launchers and / or complaints conventionally through community complaints to Itwasda / Siwas Subsection of Community Complaints and Analysis (Subsection) of the Kepri Police, this can help the community to seek justice and law enforcement for the events experienced, because of problems in the police environment whose person is arrogant, intimidative, protracted cases and rejected the case because there is not enough evidence and without legal explanation that can be accepted by reason (logic / abuse of power) for the people.

The things related to the despicable or bad nature of a law enforcement person can damage the image of the police in the people (loss of public trust), in connection with it, purported or not purported, the quality and quantity of community expectations with the presence of people complaints (dumas). It can't be optimally able to provide a sense of justice for the people. With the development of the rule of law compared to the capabilities of its legal forces, especially in multi-crisis conditions today, such as the Covid 19 Pandemic Almost all over the world that damage the economic, social, cultural, religious and other order, so easily people's commits crimes for various reasons or motivations with perpetrators ranging from ordinary people to elites and government officials with diverse modes. Therefore, it can be seen in the Dumas Data Recapitulation table below:

Tabel 1. RECAPITULATION OF DUMAS DATA THAT GOES TO ITWASDA POLDA KEPRI FISCAL YEAR 2020

NO	KESATUAN	LAPORAN	TANGGAPAN SATKER / SATWIL	PROSES	SUBTANSI PENGADUAN		STATUS PERKARA YANG DILAPORKAN											
							PIDANA					BUKAN TP	CABUT LP/ DAMAI	YANMA S	GAR PLIN / KKEP			
							PROSES		P-19	P-21	SP3/ SPL				JML	PROSES	SELESAI	JML
							LIDIK	SIDIK										
1	DITRESKRIMUM	22	0	22	0	22	13	8	0	0	0	21	0	0	1	0	0	1
2	DITRESNARKOBA	3	0	3	0	3	0	2	0	0	0	2	0	0	1	0	0	1
3	DITRESKRIMSUS	4	0	4	0	4	0	1	0	0	0	1	0	0	3	0	0	3
4	DITLANTAS	2	0	2	2	0	0	0	0	0	0	0	0	0	2	0	0	2
5	BIROSDM	1	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0	1
6	BIDPROPAM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	SPKT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8	POLRESTA BARELANG	32	0	32	1	31	8	22	0	0	0	30	0	0	2	0	0	2
9	POLRES TANJUNGPINANG	7	0	7	0	7	3	2	0	0	0	5	0	0	2	0	0	2
10	POLRES BINTAN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11	POLRES LINGGA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12	POLRES KARIMUN	3	0	3	0	3	0	2	0	0	0	2	0	0	1	0	0	1
13	POLRES NATUNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13	POLRES KEP. ANAMABAS	1	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0	1
	JUMLAH	75	0	75	3	72	24	37	0	0	0	61	0	0	0	0	0	14

Tabel 2. RECAPITULATION OF DUMAS DATA THAT GOES TO ITWASDA POLDA KEPRI FISCAL YEAR 2020

NO	INSTANSI	JUMLAH	SELESAI	BELUM SELESAI
1	ITWASUM POLRI	0	0	0
2	KOMPOLNAS	7	7	0
3	KOMNAS HAM RI	0	0	0
4	KAWAT SANDI	0	0	0
5	OMBUDSMAN	4	4	0
6	KEMENKOPOLHUKAM	0	0	0
7	KEMEN SET NEG - RI	0	0	0
8	KEMENKUM DAN HAM RI	1	1	0
9	DPR-RI	0	0	0
10	LBH / ADVOKAT	24	24	0
11	PERORANGAN	25	25	0
12	LSM / ORMAS	3	3	0
13	SMS ANONIM	0	0	0
15	PEMERINTAH KOTA	1	1	0
14	BADAN USAHA (SWASTA)	10	10	0
	JUMLAH	75	75	0

Data source: Itwasda Police Unit Kepri

The regarding with this as in the table above, it is expected that the public is aware of the law and command the law, to keep from things that are not desirable. The police strategy for law enforcement is to:

- Strategy in terms of Liability,
- Strategy in terms of Prohibition,
- Strategy in terms of Sanctions

This is reforming about the police to good government and clean government, in accordance with the opinion of Sedarmayanti (Sedarmayanti....), that is changes in the way of thinking (mindset, attitude pattern, pattern of action; The change of ruler into a servant; prioritize the role of authority; Not thinking of the production but the end result; Changes in performance management; Monitor the pilot of bureaucratic reform, realize good, clean, transparent, and professional government and realize the Integrity Zone (ZI) towards a Corruption-Free Area (WBK) and a Clean and Serving Bureaucratic Area (WBBM).

While in the current police culture entering the era of police revolution 4.0 by carrying out quick wins and quick responses to the community effectively and effectively where it can foster a sense of public trust in the performance of POLRI. With the theoretical approach to progressive law of Satjipto Rahardjo, (Satjipto Rahardjo,) with a comprehensive and multidisciplinary approach is the key word for understanding the assumptions that exist behind progressive law itself. There are at least a few assumptions to note in progressive law.

First, the law is for man, not the other way around. The presence of the law is not for itself, but for something broader and greater. If there is a problem in the field of law, then the law must be reviewed and corrected, not humans who are forced to be included in the legal scheme.

Second, the Law is not an absolute and final institution, but rather in the process of continuing to be good. Progressive law must have a foundation of values that are not stuck into the spirit of formal legal alone, but in favor of the spirit of humanity, by serving the community both externally and internally (police) with verification functions in accordance with police regulations no. 1 of 2014, Article 4, that is:

- a. Confirmation
- b. Clarification
- c. Analysis
- d. Evaluation

Therefore, police regulations issued No. 9 of 2018 on the procedures for handling public complaints (dumas) in the police environment, both online and offline, which is a form of application of community supervision submitted by the community, government agencies or other parties (stakeholders) to the Kepri Police in the form of thought contributions, suggestions of ideas or gripes / complaints that are constructive. Public Complaints (Dumas) are classified or grouped into two types, that is people's Complaints (dumas) submitted directly and people Complaints (dumas) submitted indirectly.

County supervisory inspectorate (Itwasda) as one of the organizations in Unit Public Complaints Service Center plays a role in following up public complaints (Dumas) received indirectly by the Police. But if the Public Complaint (Dumas) is handled directly, County supervisory inspectorate (Itwasda) no longer plays a role here, but is directly followed up by personnel who receive complaints and must be forwarded to the leadership and / or the people complaint Service Center (Dumas) for further processing. It's name Public Complaints (Dumas) that can be submitted include related to police services, irregularities in civil servant behavior and abuse of power.

Literature Review

Fairness is one of the most widely studied philosophical topics. In terms of grand theory presented by Montesquieu, (Montesquieu, dikutip oleh Dahlan Thaibdkk, 2012). Fairness is famous for the Triassic Political theory, that is the division of power in such government. He is the main source of the separation of powers theory, which is applied in many constitutions around the world. He is also known for doing more than any other writer to secure a place in the word "despotism" in the political lexicon. Although its mean about The division of power in Indonesia is a basic consequence of the implementation of the democratic system, so for that the highest power in the country is often referred to as sovereignty by carrying out cooperation between sectorsal government, police and society (stakeholders) which is the embodiment of the Police together to uphold law and public order, in order to create good government. By implementing the concept of good government in Indonesia, it must actually be implemented by both the central government and local governments, which is characterized by the issuance of Law No. 28 of 1999 on State Organizers Who Are Clean And Free From Corruption, Collusion, and Nepotism (KKN), and the chance law of the republic of Indonesia number 20 of 2001 about changes to law no. 31 of 1999. Besides that too about the sharing of power so that there is no abuse of power, and that there are no reprehensible acts.

RESEARCH METHODOLOGY

This research is normative and empirical. It is normative by conducting an analysis of the problem and research through the basic legal approach and referring to the legal norm, while the empirical approach in this study is to see the behavior of the law as a pattern of community behavior and seen as a social force. Given that this research focuses on secondary data, data collection is pursued by conducting literature research and document studies. Besides the specification of this research is prescriptive and descriptive-analytical. Prescriptive offers the concept of problem-solving and not merely descriptive (just to describe something as it is) (Lubis, 1994) or the nature of prescriptive research is highlighting something (object) that is in mind or that should be. Therefore, according to the type of research used, the data collected will be analyzed qualitatively to achieve the clarity of the problem that will be discussed with qualitative analysis methods, because it does not use concepts measured or expressed by numbers or formulation of statistics. The analysis is done by referring to the thought frameworks in this article.

DISCUSSIONS

Legal Basis of Inspectorate of Supervision in the Police Environment the legal arrangements applicable in the ItwasdaPoldaKepri, based on Law no. 2 of 2002, on the Police, in Article 15 and strengthened by Police Regulations no. 22 and 23 of 2010 on the makeup of the organization of work, that to uphold the law and justice requires supervision to all members to continue to carry out their police duties humanly and implement progressive laws aimed at reforming police 4.0, As stated by the Police Chief, namely PRECISION. (Predictive, Responsibilities, and Fair Transparency). In order to optimize service to the community in seeking justice and legal protection to law enforcement officials. Thus, public complaints (dumas) both conventionally and electronically based on application launchers can run appropriately. Because the presence of supervision can run from two sides, namely the role of the executive (government) and the role of society, with the motto "People Voice Is God" that is the voice of the people is the voice of God. So that in this era of globalization the role of the police is required to realize the Integrity Zone (ZI) Towards a Region Free from Corruption (WBK) and a Clean and Serving Bureaucratic Area (WBBM).

Application of Public Complaints (dumas), furthermore, the application of the rule of law by the Inspectorate of Supervision in the Kepri Police environment, in order to provide services, protection and protection for the community which is the application of law in community complaints related to the Precision program (Dumas Precision) in the Police environment with the police revolution 4.0, and the role is needed by the community because it is effective and efficient and has legal certainty and justice that can foster a sense of trust. Public over the performance of the Police. Therefore, the rules on Government Regulation (PP) no. 2 of 2003 on The Discipline Regulation of Police and Police Members have also issued rules of a technical nature based on Police Regulation no. 14 of 2011 on The Code of Professional Ethics and Police Regulation No. 2 of 2016 on Disciplinary Violations of Police members, which serves to maintain the honor of the Police in actually and acting in according with the application of existing legal rules. With the presence of applicable regulations, it is expected that mental and educated members of the National Police can set an example to the public to obey the law and obey the law in accordance with the constitution of the State of Indonesia based on the law and all citizens whose position in the law is equal (equality before the law) and upholds the rule of law itself.

Inhibiting Factors in the Police Environment, related to any constraint factors that are obstacles in the Inspectorate of Regional Supervision (Itwasda) and efforts to solve (solutions) about the role of Itwasda in the application of fair law in the Kepri Police. By carrying out cooperation with stakeholders, namely the community and the Ombudsman Institution, to the elimir the inhibition factor for the occurrence of arrogance, intimidating, public complaint suppression (dumas), cases that are not in accordance with procedures, slow handling of cases and things that are not in accordance with the Standards of the Organization of Police Procedures. Where in reality development activities are not always in according with the expectations of the people, similarly because development has a negative impact and a positive impact on society, nation, and state, even affecting the condition of natural resources and the environment. That is, development has caused consequences or problems that have an impact on the public interest, both related to social issues, health, environment, public safety (residents) and others. In such a context the impact of development must be studied in depth so that the negative impact that arises can be anticipated early (early warning), Because the impact can encourage the birth of real disorders (factual threats) such as, social conflicts, acts of anarchic, criminality, and others. For example, the Covid 19 pandemic that has damaged the joints of people's lives both in terms of Ipoleksosbud and other things. So that better efforts are needed in the future for the Kepri Police, in order to maintain public trust. In connection with this, there is also the success that has been achieved by

the Kepri Police and is expected to make the Kepri Police more vigilant and increase anticipation of various challenges in the future. The challenge is in the form of demands and expectations of the community and Local Government to the Kepri Police to be able to continuously improve performance in maintaining the security and public order (kamtibmas) situation to remain conducive, the implementation of professional law enforcement and improve the quality of people service in the field of Police.

Conclusions and Suggestions

Conclusions

1. With the application of the rule of law, based on the constitution of the State, Indonesia is a state of law and all citizens in the eyes of the law are equality before the law. Related to Public Complaints (Dumas) in accordance with Law no. 2 of 2002 on police and Perkap no. 9 of 2018 on complaint procedures in the Police environment, providing legal certainty and justice for the people who request protection and justice to law enforcement officials. There has been a reform in the body.Polri which is good government and clean government in general and Itwasda in particular, and so as to cause confidence in the people,that the Police work professionally and humanistly.
2. Changes in public services, one of the most important parts in accordance with the mandate of the law, are needed to respond to high people dynamics, especially in creating efficient and effective services and creating social justice for citizens. The changes in question include:
 - a. Orientation from the principle of legality to restorative justice, so that the law from the strong to the weak and the powerless.
 - b. The construction and development of the law must be balanced with the participation of the people,
 - c. The role of law enforcement that law enforcement shifts to humanist and diversion from controlling to directing towards legal awareness for the people, and
 - d. Law enforcement officials must develop openness and responsibility.

This is necessary in the PRECISION (Predictive, Responsibilities, and Fair Transparency) program, because the police is a place of public service that serves as a public instrument to create a sense of security and cause order for the community. Thus the function of law enforcement officers as people services must be dominant and prioritized rather than functions as state servants.
3. Obstacle factors / obstacles often occur, both internally (established by the Police) and externally (the community), therefore it takes work between across sectoral government and society (stakeholders) is the embodiment of the Police together to enforce law and public order, because development has caused the consequences or problems that have an impact on the public interest, both related to social issues, health, environment, public security (population) and others. In such a context the impact of development must be studied in depth so that the negative impact that arises can be anticipated early (early warning), because the impact can encourage the birth of real disorders (factual threats) such as, social conflicts, anarchic acts, criminality, and others.

Suggestion

1. With the fair application of the law and carried out humanely and responsibly, it can reduce criminality. Related to the application of the law issued by the author should be made the Law on Criminal Procedure Police (KUHAPolisi), on the grounds that the police are armed civil apparatus, so that every member of the Police still maintain ethics and obey and obey the law as an example for the people's.
2. In this case according to the author's saving success implemented properly, then bureaucratic reform will achieve the expected goals, including:
 - a. Reduce and ultimately eliminate any abuse of public authority by officials in the relevant agencies;
 - b. Create a country that has the most-improved bureaucracy;
 - c. Improving the quality of service to the community;
 - d. Improving the quality of formulation and implementation of agency policies / programs;
 - e. Increase efficiency (cost and time) in the implementation of all aspects of organizational tasks;

3. Concentration factors / barriers in the operation of Inspectorate of Regional Supervision (ItwasdaKepri), according to frugal author can be done by implementation:
 - a. The disciplinary factor is also an extraordinary force that can lead individuals, organizations and even nations to achieve the things they want. And discipline for government apparatus both Polri and state civil apparatus (ASN) can animate the life of the nation, state, and people's to achieve the hopes and ideals of the Indonesian nation as stated in the opening of the 1945 Constitution, the namely achieving a prosperous just society based on Pancasila.
 - b. The human resources (HR) factor in SatkerItwasda is expected to be in accordance with those who work professionally in the field of law enforcement and enforcement of the order and discipline of police members. In order for ITWASDA HUMAN RESOURCES to work better and professionally, the following steps are needed:
 1. Increase cooperation between SatkerItwasda in the Police environment with other technical functions.
 2. Increase cooperation in the implementation of tasks.
 3. Reduce disciplinary violations of police members in the field.
 4. The realization of public trust in police officers.
 5. Support of stakeholders and police partners in cooperating with the performance of police members.

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