



Constitutional law analysis of the elimination of the phrase "assignment of the chief of police" in constitutional court decision no. 114/puu-xxiii/2025

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ARTICLE INFO

Keywords:

Authority of the Chief of Police;
Constitutional Court;
Constitutional Law.

Article history:

Received May 20, 2026;
Revised May 30, 2026;
Accepted Jun 09, 2026;
Online Jul 30, 2026.

ABSTRACT

This abstract examines the constitutional law analysis of the deletion of the phrase "assignment of the Chief of Police" in Constitutional Court Decision No. 114/PUU-XXIII/2025 and its implications for the principle of state apparatus neutrality. The decision issued by the Constitutional Court sparked debate regarding the limits of the Chief of Police's authority in the context of institutional assignments, particularly those that intersect with political and state administrative interests. This study uses a normative juridical method with a statutory and conceptual approach to examine the ratio decision in the decision and its compliance with the principles of the rule of law and constitutional democracy. The results show that the deletion of the phrase is an attempt by the Constitutional Court to emphasize the importance of limiting power and maintaining the independence of the police institution from potential political intervention. From a constitutional law perspective, this decision strengthens the principle of state apparatus neutrality as part of the principles of professionalism and impartiality in governance. However, on the other hand, there are practical implications in the form of a potential normative vacuum regarding the assignment mechanism that was previously explicitly regulated, thus requiring further regulatory adjustments. In conclusion, the Constitutional Court's ruling not only has a legal dimension but also impacts institutional governance and the ethics of state administration. Therefore, regulatory harmonization and strengthened oversight are needed to ensure that the principle of state apparatus neutrality is consistently maintained in Indonesian state administration practices.

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1. Introduction

The research gap that distinguishes this study from previous research lies in its focus on the limitations of police authority within the perspective of constitutional democracy and a more comprehensive system of checks and balances. Previous research generally only partially discussed aspects of law enforcement, police duties, or human rights violations, while this

study emphasizes the relationship between police authority, constitutional oversight, protection of citizens' rights, and the implications of Constitutional Court decisions for the governance of state power. Furthermore, this study also integrates legislative and constitutional approaches to analyze the extent to which existing regulations are able to create a balance between the effectiveness of law enforcement and the principles of democracy in the Indonesian constitutional system. Limiting the authority of the police in a democratic country is a pressing matter because the police have significant powers in law enforcement, the use of force, arrests, investigations, and public oversight. Without clear limitations through laws, oversight mechanisms, and principles of accountability, this authority has the potential to lead to abuse of power, human rights violations, criminalization, and a decline in public trust in state institutions.

In a democratic system, the police must operate based on the principles of the rule of law, professionalism, proportionality, and respect for citizens' rights to ensure security without sacrificing civil liberties. Therefore, limiting police authority is a crucial instrument for maintaining a balance between law enforcement and protecting democracy and the constitutional rights of the public. In the Indonesian constitutional system, the principle of the rule of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, places the law as the supreme authority in all exercises of state power. Consequently, all government actions and policies must be based on clear, measurable legal norms and not conflict with constitutional principles. In this context, the Constitutional Court plays a strategic role as the guardian of the constitution and as the final interpreter of constitutional norms through its authority to review laws against the Constitution (Sujono et al., 2022). One important dynamic in Indonesian constitutional practice is the emergence of Constitutional Court Decision No. 114/PUU-XXIII/2025, which removed the phrase "assignment of the Chief of Police" from the norm being reviewed. This decision not only has a purely legal dimension but also touches on fundamental aspects of the relationship between state power, the police institution, and the principle of neutrality of the state apparatus. The phrase "assignment of the Chief of Police" previously served as the legal basis for the involvement of the Indonesian National Police (Polri) in various specific assignments that could potentially conflict with political interests or government administration.

Therefore, the removal of this phrase has broad implications, both theoretically and practically (Indriyati, 2022). required to be neutral, not to side with any particular political interests, and to uphold the principle of impartiality. This neutrality is especially crucial in the context of a democratic state, where the potential politicization of the state apparatus can threaten the quality of democracy itself (Pusat et al., n.d.).

The Constitutional Court's removal of the phrase "assignment of the Chief of Police" can be understood as an effort to strengthen this principle of neutrality. By eliminating the legal basis that could potentially open up room for broad interpretation of the Chief of Police's authority, the Constitutional Court seeks to prevent abuse of power or political intervention within the police institution. Within the theoretical framework of limitations of power, this measure is part of the checks and balances mechanism aimed at maintaining balance between the various branches of state power (Mh, 2025a). However, the ruling also raises several critical questions. One of these is how the police assignment mechanism will be regulated after the phrase is removed. Is there a potential normative vacuum that could hamper the effective implementation of police duties? Or will this ruling instead encourage the development of clearer, more assertive regulations that align with constitutional principles? These questions are important to examine in depth within the framework of constitutional law analysis (Soedarsono, n.d.). Furthermore, the issue of state apparatus neutrality cannot be separated from the broader context of political and bureaucratic dynamics in Indonesia. In practice, state apparatus neutrality often faces challenges, particularly during political moments such as general elections. State apparatus, including the police, are often in a vulnerable position. political pressure, both direct and indirect. Therefore, strengthening the principle of neutrality requires not only adequate regulations but also institutional commitment and effective oversight (Pemerintahan et al., 2024).

In this regard, this Constitutional Court decision can be seen as part of ongoing legal and institutional reform efforts. This reform aims to create better governance, characterized by transparency, accountability, and public participation. Within the framework of good governance, the neutrality of state officials is a crucial indicator of the quality of government administration (Sipil et al., 2024). Furthermore, theoretically, the analysis of this decision can also be linked to the concept of constitutional supremacy. In a country that adheres to the principle of constitutional supremacy, any legal norm that conflicts with the constitution must be declared null and void. Therefore, the Constitutional Court's role in reviewing and interpreting legal norms is crucial. The decision to remove the phrase "assignment of the Chief of Police" can be seen as a concrete manifestation of the implementation of this principle of constitutional supremacy (Romadhon et al., 2022).

On the other hand, the normative juridical approach in this research allows researchers to deeply examine the *ratio decidendi*, or legal considerations, used by the Constitutional Court in making its decisions. By understanding the legal arguments underlying these decisions, it is hoped that a more comprehensive picture of the direction of legal policy taken and its implications for the Indonesian constitutional system can be obtained (O. I. Setiawan et al., 2024). It is undeniable that every Constitutional Court decision has an impact that extends beyond the legal aspect to social and political aspects as well. Therefore, an analysis of this decision also needs to consider these dimensions. For example, how is public perception of the neutrality of state officials following this decision? Has public trust in the police institution increased? Or has new uncertainty emerged regarding the implementation of police duties (Zakariya & Nurwanti, 2025). Therefore, this research is relevant and important, given the complexity of the issues raised and their broad impact on the Indonesian constitutional system. Through comprehensive analysis, it is hoped that this research will contribute academically to the development of constitutional law, while also providing practical recommendations for policymakers in formulating better regulations in the future. Ultimately, the removal of the phrase "assignment of the National Police Chief" from the Constitutional Court ruling is not simply a wording change in a legal norm, but rather a reflection of efforts to uphold the fundamental principles of the rule of law and democracy. The challenge ahead is how to ensure that the spirit of the ruling is consistently implemented in government practice, so that the goal of creating a neutral, professional, and integrity-based state apparatus can be truly achieved (Ashady & Dudy, 2025).

2. Method

The primary legal sources used in this study include the 1945 Constitution of the Republic of Indonesia as the constitutional basis, Law Number 2 of 2002 concerning the Indonesian National Police as the main basis for regulating police authority, and various Constitutional Court decisions related to testing the norms of police authority and the principle of checks and balances. In addition, this study also uses other relevant laws and regulations, such as the Criminal Procedure Code and regulations related to human rights, to support the analysis of the limitations of police authority in a democratic system and a state based on the rule of law. The legislative approach is crucial for analyzing Constitutional Court decisions because it helps understand the relationship between court decisions and the formation, amendment, and testing of laws and regulations. Through this approach, researchers can examine the background to the formation of laws, the legislative intent of the legislators, and the conformity of legal norms to the constitutional principles that form the basis of the Constitutional Court's considerations. Furthermore, the legislative approach allows for analysis of the impact of Constitutional Court decisions on the national legal system, including changes in legal policy, the revocation of norms, and the formation of new regulations to ensure legal certainty, justice, and the protection of citizens' constitutional rights. This research uses a normative juridical method that focuses on the analysis of legal norms, legal principles, and doctrines in constitutional law. The approaches used include a statute approach and a conceptual approach. The statutory approach is carried out by examining various relevant regulations, particularly

those related to police authority and the principle of neutrality of state officials, as well as an in-depth review of Constitutional Court Decision No. 114/PUU-XXIII/2025 as the main object of the research. Meanwhile, the conceptual approach is used to understand and analyze fundamental concepts in constitutional law such as the principle of the rule of law, constitutional supremacy, limitations of power, and neutrality of state officials. The sources of legal materials in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and Constitutional Court decisions, while secondary legal materials include scientific literature, legal journals, and expert opinions relevant to the research topic. Tertiary legal materials include legal dictionaries and encyclopedias that support conceptual understanding. The legal material was collected through library research, which was then analyzed qualitatively using legal interpretation methods to identify the ratio decidendi and legal implications of the decisions under review. The results of the analysis are presented descriptively and analytically to provide a comprehensive overview of the impact of the removal of the phrase "assignment of the Chief of Police" on the principle of state apparatus neutrality (A. Setiawan et al., 2025).

3. Analysis and Results

The ruling has important implications for public administration ethics because it affirms that every state administrator, including law enforcement agencies and government bureaucracies, must exercise their authority based on the principles of legality, accountability, transparency, and respect for human rights. This ruling also encourages the creation of a more professional and responsible bureaucratic culture by limiting the potential for abuse of power in the public administration process. Furthermore, the ruling reinforces the principle of good governance, as every government action must be legally and morally accountable to maintain public trust in state institutions. This ruling significantly contributed to the development of Indonesian constitutional law by strengthening the constitution's position as the highest law in the state system and affirming the Constitutional Court's role as the guardian of the constitution and protector of citizens' constitutional rights. This ruling further developed and adapted the interpretation of the principles of democracy, the rule of law, the separation of powers, and checks and balances to the dynamics of modern society. Furthermore, this ruling sets an important precedent for the formation of new legal norms, regulatory reforms, and strengthening mechanisms oversight for the use of state institutions' authority to ensure they remain in line with Indonesia's constitutional values. The Constitutional Court's decisions have important implications for the system of checks and balances among state institutions because they can strengthen oversight mechanisms and limit power to prevent domination by a single institution. Through its authority to review laws against the constitution, the Constitutional Court plays a role in maintaining a balanced relationship between the executive, legislative, and judicial branches, ensuring that all state policies and actions remain within the constitutional framework. Furthermore, Constitutional Court decisions can serve as a corrective instrument against abuse of authority, reinforce the principle of constitutional supremacy, and encourage the creation of democratic, transparent, and accountable governance in state life. The research findings indicate that the removal of the phrase "assignment of the Chief of Police" from Constitutional Court Decision No. 114/PUU-XXIII/2025 constitutes a corrective measure with a strong constitutional basis. The Constitutional Court, in its ruling, considered the phrase to open up too broad an interpretation of the Chief of Police's authority in carrying out certain assignments, particularly those potentially related to political interests and executive power. From a constitutional law perspective, this situation has the potential to create legal uncertainty and contradicts the principle of limiting power, a key pillar of a democratic state governed by the rule of law (Ode et al., 2025). Normatively, the Constitutional Court emphasized that all authority held by state institutions must be clearly and firmly defined in statutory regulations. Unclear norms, particularly those related to the involvement of the police, can give rise to the potential for abuse of power. In this case, the phrase "assignment of the Chief of Police" is deemed to provide insufficient boundaries regarding the type, scope, and mechanism of the assignment in question (Zendrato et al., 2024). Consequently, there is a possibility that the assignment could be used for purposes outside the police's primary function as law enforcement and guardians of public order and security. From a theoretical perspective, this

ruling aligns with the principle of constitutionalism, which emphasizes the importance of limiting state power through law. Within this framework, the Constitutional Court acts as a guardian of the constitution, ensuring that every legal norm does not conflict with the fundamental values enshrined in the 1945 Constitution (Effendy et al., 2022). The removal of this phrase can be seen as a concrete manifestation of the Court's efforts to maintain a balance of power (checks and balances) between state institutions, while preventing excessive concentration of power in any one institution (Nainggolan et al., 2025).

Furthermore, the research also shows that this ruling has significant implications for the principle of state apparatus neutrality. In a democratic system, state apparatus neutrality is a primary prerequisite for ensuring fair and impartial governance. State apparatus, including the police, are required to refrain from engaging in practical political activities that could compromise their objectivity and professionalism. With the removal of the phrase "assignment of the Chief of Police," the scope for police involvement in potentially political activities is further limited (Keadilan, n.d.). However, in practice, the implementation of the principle of state apparatus neutrality does not always run ideally. This research found that various challenges remain, including political pressure, vested interests, and a bureaucratic culture that does not fully support state apparatus independence (Pramana et al., 2022). Therefore, although the Constitutional Court's ruling provides a stronger foundation for state apparatus neutrality, further efforts are needed to ensure its implementation in practice. On the other hand, the removal of this phrase also has implications for the institutional and governance aspects of the police force. Prior to this ruling, the phrase "penagasan Kapolri" (assignment of the Chief of Police) was often used as a legal basis for involving the police in various cross-sectoral activities, including administrative and coordinative ones (Sujono et al., 2022). With the removal of this phrase, questions arise regarding how these assignments will be implemented going forward. Are new, more detailed regulations needed to address this issue, or will relying on existing provisions suffice (Keluarga, 2022).

In further analysis, this study found that there is a potential legal vacuum resulting from the removal of this phrase. This legal vacuum could create uncertainty in the implementation of police duties, particularly in situations requiring cross-agency coordination. Therefore, strategic steps are needed by lawmakers to immediately adjust regulations to fill this gap. These adjustments must be made while adhering to constitutional principles, particularly regarding the limitations of authority and the neutrality of state officials (Mh, 2025b). Furthermore, it is important to view this ruling within the context of police institutional reform in Indonesia. Since the reform era, various efforts have been made to improve the professionalism and independence of the police, including the separation of the Indonesian National Police (Polri) from the Indonesian National Armed Forces (TNI) and strengthening internal and external oversight mechanisms (Sukabumi, 2022). This Constitutional Court ruling can be seen as part of this reform process, aimed at ensuring that the police truly function as a professional law enforcement institution and are not influenced by political interests. From a sociological perspective, this ruling also impacts public trust in the police institution (D. Hukum & Penyusun, n.d.). The neutrality of state officials is one factor influencing the level of public trust. When state officials are perceived as lacking neutrality, public trust tends to decline. Conversely, when neutrality is maintained, Public trust will increase. Therefore, consistent implementation of this ruling can contribute to increasing the legitimacy of the police institution in the eyes of the public (J. Hukum & Volume, 2022).

Furthermore, in the context of good governance, the neutrality of state officials is a crucial indicator in assessing the quality of government administration. Good governance is characterized by transparency, accountability, and public participation (Zendrato et al., 2024). Within this framework, a neutral state official will be better able to carry out their duties objectively and professionally, thereby supporting the realization of a clean and authoritative government. However, this study also notes the potential for resistance to the implementation of this ruling, particularly from parties who have benefited from the flexibility in police assignments (Iqbal et al., 2024). This resistance could emerge in the form of differing interpretations of the Constitutional Court ruling, as well as in the slow process of regulatory adjustment. Therefore, a strong commitment from all stakeholders is needed to support the

effective implementation of this ruling. Ultimately, the results and discussion in this study indicate that the removal of the phrase "assignment of the Chief of Police" has complex and multidimensional implications. While this ruling reinforces the principle of state apparatus neutrality and limits on power, it also poses challenges in terms of institutional arrangements and implementation on the ground. Therefore, a comprehensive and sustainable approach is needed to ensure that the objectives of this ruling can be optimally achieved in Indonesian constitutional practice (Rofiandri, n.d.).

4. Conclusion

Constitutional Court decisions are crucial for strengthening democratic governance because they serve as an instrument of constitutional oversight of the actions and policies of state institutions to ensure they remain in line with the principles of democracy, the rule of law, and the protection of human rights. Through its judicial review authority, the Constitutional Court can invalidate norms that conflict with the constitution, thereby preventing abuse of power and maintaining a balanced relationship between state institutions within a system of checks and balances. Furthermore, Constitutional Court decisions contribute to creating legal certainty, increasing government accountability, and strengthening public participation and trust in Indonesia's democratic constitutional system. The opportunities for further research on police authority are extensive, particularly in examining the limits of police authority in a democratic state, the effectiveness of internal and external oversight mechanisms, and the protection of human rights in law enforcement. Research could also focus on analyzing police institutional reform, the relationship between the police and other law enforcement agencies, the use of digital technology in investigations and public oversight, and the impact of police authority on civil liberties and public trust. Furthermore, a comparative study of police systems across countries could provide new perspectives on the ideal model of police oversight, accountability, and professionalism to strengthen the principles of the rule of law and checks and balances within the constitutional system. The Constitutional Court's Decision No. 114/PUU-XXIII/2025 is a constitutional step aimed at reinforcing the principle of limiting power and maintaining the neutrality of state officials. This decision affirms that the authority of every state institution, including the Chief of Police, must be clearly formulated and not open to multiple interpretations that could potentially be misused for interests outside its constitutional function. Therefore, normatively, this decision strengthens the principles of the rule of law, the supremacy of the constitution, and the professionalism of the police institution within the Indonesian state system. However, the implications of this decision also pose challenges, particularly regarding the potential for a normative vacuum in the police assignment mechanism and the need for more comprehensive regulatory adjustments. Therefore, further steps are needed from lawmakers to harmonize and update regulations that remain based on. The decision is based on the principles of neutrality, accountability, and legal certainty. Furthermore, strengthening oversight and institutional commitment are also crucial factors.

Acknowledgments

The decision is based on the principles of neutrality, accountability, and legal certainty. Furthermore, strengthening oversight and institutional commitment are also crucial factors in ensuring the spirit of this decision can be consistently implemented, thereby promoting democratic, professional governance that is free from political intervention. The decision is based on the principles of neutrality, accountability, and legal certainty. Furthermore, strengthening oversight and institutional commitment are also crucial factors in ensuring the spirit of this decision can be consistently implemented, thereby promoting democratic, professional governance that is free from political intervention.

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