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Human Rights Education  
and Policing in Indonesia:  
A Case Study of the Regional  
Police of North Sumatra

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# Human Rights Education and Policing in Indonesia: A Case Study of the Regional Police of North Sumatra

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## **Abstract**

The Indonesian National Police (Polri) has faced a series of fundamental changes since 1998. Beside, the Police was separated from the Indonesian Army (TNI) based on the People's Consultative Assembly Decree No. VI Year 2000 on the Separation of TNI and Polri and Decree No. VII Year 2000 on the Role of the TNI and Polri, and the trajectory of the national reform produced stronger and more

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reliable institutional adaptation and professionalism from Polri. This paper borrows David H. Bayley's revelation of the future police by first removing the myths of the police forces. Police forces as one of the security actors in Indonesia demands continuous changes, evaluations, and improvements. One significant signs of progress is the recognition and maximum effort to internalize human rights principles and standards in Polri's performance. The efforts to internalize human rights education and the implementation of the human rights policing model serve as a new challenge for Polri in the era of Indonesian democratization. This paper finds that human rights education for policing in Indonesia has been relatively well run. The scope and achievement of human rights has been inculcated through various policies, among which the most important is the commitment to implement human rights through the Directive of Head of Police (Perkapolri) No. 8 Year 2009 and commitment to implement the process and recruitment of Polri members with clean, transparent, accountable and humane principles (Perkapolri No. 13 Year 2010).

**Keywords:** The Indonesian National Police (Polri), institutional adaptation and professionalism, security actors, internalized human rights education, human rights policing model, implementation of human rights, Directive of Head of Police No. 8 Year 2009

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## Introduction

The Indonesian National Police (Polri) has undergone a fundamental change since the Reform Era. Organizationally, aside from the successful separation of the Police from the Indonesian Army (TNI) pursuant to the People's Consultative Assembly Decree No. VI Year 2000 on the Separation of TNI and Polri and Decree

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No. VII Year 2000 on the Role of the TNI and Polri, the trajectory of the national reform has resulted in the demand for stronger and more reliable institutional adaptation and professionalism from Polri. (Chapter X National Defence and Security Article 30 Paragraph (2), (3) and (4) of the 1945 Indonesian Constitution).

Reform in the security sector in Indonesia was pursued mainly due to the deviation in optimizing the use of TNI and Polri's power during the New Order which resulted in unsatisfactory professional performance and low appreciation and public confidence towards the two state institutions. As for the police, in an extreme way, David H. Bayley reveals the importance of future police by first removing the myths of the police. The complete version is as follows:

In democratic countries all over the world, then, there is a sense of crisis about public security. And at the center of this crisis are the police, who promise to protect us but do not appear to be able to do so. We want them to be effective, but increasingly we have doubts that they are. Police are expensive, and we don't know whether they should be replaced—even though this is quietly occurring (Bayley, 1994, p. 11).

Polri as one of the security actors in Indonesia demands continuous paradigmatic changes that are subject to further evaluations and improvements. One significant normative progress is the recognition and maximum effort to internalize human rights principles and standards in Polri's performance.

The efforts to internalize human rights education and the implementation of the human rights policing model serve as a new challenge for Polri in the era of Indonesian democratization.

## Human Rights Education

In international human rights law perspective, human rights education is recognized and agreed as a means towards achieving universal human rights awareness. The belief that Universal Declaration of Human Rights is a common standard of achievement for all peoples and all nations, human rights education is very important to ensure the true realization of the protection and fulfilment of human rights. Article 26 paragraph (2) of the 1948 UDHR states the following:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace (Article 26 paragraph (2); comparable with international human rights instruments are Article 13 of ICESCR; Article 29 of CRC; Article 10 of CEDAW; and also Article 7 of CERD).

To develop it, the United Nations passed the 1995-2004 UN Decade for HRs Education policy through UN General Assembly Resolution 49/184 on December 23, 1994. It was through this policy that the World Program for Human Rights Education was initiated,

which essentially recommends human rights education as the key to cultivate respect and protection of human rights (Resolution A/RES/49/184).

Furthermore, the UN Commission on Human Rights issued the 2005-present World Program for Human Rights Education through Resolution 59/113 B on July 14, 2005 which highlights the following:

Believing that human rights education is essential to the realization of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected.

This resolution sets the Plan of Action of the World Program for two phases (OHCHR, Plan of Action World Programme for Human Rights Education; First Phase (New York and Geneva: UN, OHCHR and UNESCO, 2006) in 2005-2007 as the first phase which emphasises the integration of human rights education in primary and secondary school systems as well as concrete strategies and practical ideas on the implementation of human rights education at the national level (GA Res 59/113 B, July 14, 2005).

The second phase, 2010-2014, of human rights education is aimed at higher education and human rights training for teachers, educators, government officials, law enforcement and military personnel (Office of the High Commissioner for Human Rights (OHCHR), 2012). In this resolution, the UN General Assembly defines human rights education as a comprehensive life-long process by



which people at all levels in development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies (OHCHR), 2012).

Based on this definition, there are three important elements of human rights education, namely (1) human rights education is a life-long process, encompassing not only school children within formal education systems, (2) human rights education is a comprehensive process which involves all members of society, and (3) human rights education is an empowering process which should help to enable people to take control of their lives, by identifying violations of their human rights, how to demand rights, and how to use existing legal mechanisms to this end (OHCHR 2012).

Aside from this, human rights education encompasses three important components, namely (1) knowledge and skills, i.e. learning about human rights and their mechanisms; (2) values, attitudes and behaviours, i.e. the development of values and the enforcement of attitudes and behaviours that uphold human rights; and (3) action, i.e. the action to defend and promote human rights (OHCHR 2012).

EU member countries have made significant progress. In 2009, the Council of Europe passed the Charter on Education for Democratic Citizenship and Human Rights Education. Human rights education in the terminology of the Council of Europe is as follows:

Human Rights Education is education, training, dissemination, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and

behaviour, to empower them to contribute to the building and defence of a universal culture of human rights in society, with a view to the promotion and protection of human rights and fundamental freedoms (Kerr et al., 2009).

Human rights education is so important that on 8 April 2011 the UN General Assembly passed Resolution 16/1 on Human Rights Education and Training which was later reinforced by UN Human Rights Council Resolution 6/10. The declaration which contains 14 articles states unequivocally that everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training (Kerr et al., 2009).

At least there are three fundamental issues concerning human rights education as affirmed in the provisions of Article 2 paragraph (2), namely as the followings:

Human rights education and training encompasses education: (a) about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection; (b) through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners; and (c) for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

Human rights experts explain the position of human rights education as a fundamental right for everyone. This position implies the view that the fulfilment of the right to human rights education will significantly affect human dignity.

Nowak (1995) emphasized that education is a precondition for the exercise of human rights. In this vein, Nowak (1995) reminds us of the importance of education and human rights education as part of human rights. Nowak (1995) asserted as follows:

Education is an important means of promoting human rights. Tolerance of, and respect for, human rights is not only an important goal of education, but human rights education at all levels is also the most important means to create a universal human rights culture (Nowak, 1995, pp. 189-190).

In addition, Tomasevski (2007) provides a holistic view of the right to education and the right to human rights education. According to her, the right to good education is a precondition for the fulfilment of the right to human rights education. Tomasevski (2006) also argued that government as the educator is now delivering an essential message in human rights education: that education is each child's birth right and that it has the administrative responsibility to eliminate all barriers which children may face.

In the context of Indonesia, Indonesia's 2011-2014 National Action Plan for Human Rights (Rencana Aksi Nasional HAM) (hereinafter Ranham) (based on the Presidential Regulation No. 23 of 2011) also establishes human rights education as one of the

program priorities. Within the framework of implementing human rights education, it is affirmed that:

Human rights education is an effort to increase the knowledge and culture of human rights of the government apparatus, law enforcers, educators and educational personnel as well as community/religious leaders which will continue through training and dissemination. Training for trainers (ToT) is conducted incrementally and continuously to accelerate the increase of human rights knowledge and understanding, while human rights dissemination aims to disseminate human rights values.

In its later development, human rights education was also declared as part of the strategy of realization for 2015-2019 Ranham Indonesia. Based on the Presidential Regulation No. 75 of 2015, there are six strategies of 2015-2019 Ranham Indonesia as follows: (1) strengthening RANHAM implementing institutions; (2) preparation of ratification and compilation of material reports on the implementation of international human rights instruments; (3) preparation of regulations, harmonization of draft laws and the evaluation of legislation from the perspective of human rights; (4) education and public awareness raising on human rights; (5) application of human rights norms and standards; and (6) community communication services.

Human rights education is a conscious effort to internalize human rights values and principles to the community in a broad sense. Towards achieving the establishment of a life that perpetuates human dignity, human rights education is a necessity. Human rights education reflects the integrity of the worldview as a paradigm of

democratic life and social harmony. It is with this in mind that human rights education becomes an important agenda of Ranham Indonesia as a form of state policy on human rights.

As a conscious effort, human rights education certainly applies and takes place systematically and simultaneously for all parties not only the government but also the community, especially journalists. Human rights education contributes to a development process consistent with human dignity. Therefore, human rights education is a lifelong process of internalization that provides the impetus and strength for people to portray themselves in a dignified way and control their lives through the identification of violations of their rights, demand their rights and use legal mechanisms to achieve their freedom and independence struggle.

## **The Paradigm of Polri Reform**

The reform era in Indonesia round affirms the values of democracy and civilization in the process of governance, not least for the Police institution. Police reform is a necessity and the "entry point" to a real effort in adequately positioning the Police so that it is useful in achieving proven professionalism. Uildriks (2010) commented on the necessity of democratic transition, including the police actors in it, as follows:

Especially in societies in transition from authoritarian and repressive regimes to greater democracy, conviction of officers for human rights offenses can be of considerable symbolic significance, indicating to the public that the police are not above the law but are instead part of

society and subject to the rule of law like everybody else: The rule of law applies to citizens and police alike. Such a state of affairs is important during the transition to institutions that function in accordance with democratic principles and the rule of law, a situation in which citizens no longer feel powerless in the face of a state that was formerly omnipotent, where citizens have no real redress for police abuse (Uildriks, 2010, p. 20).

Through the establishment of the State Policy Guidelines (GBHN) on October 19, 1999, four crucial matters were agreed: (1) The TNI is a state instrument that protects, preserves and maintains the integrity of the Unitary State of the Republic of Indonesia; (2) Polri is a state instrument for law enforcement, community guard and patron in line with the principle of regional autonomy; (3) The Government must continuously finalize the separation of the TNI-Polri; and (4) The government should determine the policy direction on improving the quality of TNI and Polri (People's Consultative Assembly Decree No. IV Year 1999 on State Policy Guidelines).

Each of the position of TNI and Polri is more firmly affirmed in the provision of Article 30 of the 1945 Constitution. Both are set as the primary state institutions in the defense and security system of the people, even though they are strictly separated in their duties and authorities.

As a state instrument, TNI is in charge of defending, protecting and maintaining the integrity and sovereignty of the state, while Polri is a state instrument that maintains security and public order, which is in charge of protecting, guarding, serving the community and enforcing the law.

The enactment of Law No. 2 Year 2002 on Polri (hereinafter the Polri Law) which was then followed by the establishment of National Police Commission (Kopolnas) through Presidential Regulation No. 17 Year 2005 which was later amended through Presidential Regulation No. 17 Year 2011 is a historical milestone for the Police. The hope for the realization of the reform of the Police was going steady with the issuance of the Chief of Police Regulation No. 8 Year 2009 on Implementation of Human Rights Principles and Standards in the Implementation of Police Duties on June 22, 2009 (hereinafter Perkapolri No. 8 Year 2009).

Institutional strengthening of the Police becomes an important thing to ease Polri in carrying out their duties and authorities. The position, number of personnel and capacity building of human and budgetary resources became the keyword in looking at the further development of Polri reform in Indonesia.

As a state instrument, Polri is directly under the President of the Republic of Indonesia. Article 8 of the Polri Law affirms the following: (1) The Police of the Republic of Indonesia is under the President. (2) The Police of the Republic of Indonesia shall be led by the Chief of Police who in the performance of his duties shall be responsible to the President in accordance with the laws and regulations.

The number of Police personnel has increased significantly. The 165,000 personnel in 1992 rose to 395,000 personnel in 2011. In 2014 the number of Polri personnel was close to 460,000, and in 2015 it reached 429,117 personnel in a population of 254.9 million. Currently, admission to Polri continues to increase

rapidly every year, although to date the ratio of Police personnel compared to the population is still not balanced, which is at 1:535. The ratio should ideally be at 1:200 or 1:300 (Gatra, 2014).

The increase of Polri personnel has been done in stages. The year 2012 saw the recruitment of 10,000 personnel, while 2013 and 2014 20,000 personnel each. In 2015, Polri personnel recruited stood at 15,000 whereas in 2016 nearly 11,000. Recruitment of female police is underway, and approximately 15,000 have been recruited (Gatra, 2014).

Despite the necessary and urgent nature of having more personnel, the recruitment process still refers to the quality and proven principles and mechanisms. Through the principles of cleanliness, transparency, accountability, and humanism (bersih, transparan, akuntabel dan humanis) (hereinafter BETAH), the recruitment mechanism of Polri personnel has been going well and deserved some appreciations.

Aside from the internal supervisors at the central and regional levels comprising of internal Polri elements, such as regional police inspectorate (itwasda), profession and security and law development units of Polri (propam), the presence of external supervisors comprising of academic, professional, government, media and non-governmental organizations with open access to all stages of selection has a significant influence in strengthening the credibility of the process and outcome of Polri recruitment process (Rule of Perkapolri No. 13 Year 2010 on External).

The same goes for the budget. As an independent and authoritative institution, Polri obtains a relatively increased portion



of the state budget. In 2005, Polri budget stood at IDR 13 trillion, while in 2013 and 2014 the budget rose to IDR 47 trillion. In 2015, Polri's portion of the state budget was IDR 57.100 trillion, and in 2016 it reached IDR 73.002 trillion with the composition of 40 percent of employee expenditure, 30 percent of capital expenditure and 30 percent of goods expenditure.

## Police and Human Rights

Article 4 of Polri Law stipulates that the Polri aims to realize domestic security covering the maintenance of public order and security, orderliness and enforcement of the law, implementation of protection, guarding and service to the community, as well as the enhancement of the people's security by upholding human rights.

This is in line with Crawshaw's statement in his book *Police and Human Rights; A Manual for Teachers, Resource Persons, and Participants in Human Rights Programme*:

The balance between fundamental rights and essential police powers has been established in international law, which is the basis of the subject matter of this manual, and in domestic law. Police officials, whose role includes law enforcement, are legally bound to respect the law which protects human rights when exercising their powers. The delivery of effective, lawful and humane policing requires this (Crawshaw, 2009, p. 4).

The rapid development of the Indonesian society today, along with the increasing demands for civil supremacy, constitutional and legal supremacy and, human rights, globalization,

democratization, decentralization, transparency, and accountability have also spawned new paradigms and policies in viewing the objectives, tasks, functions, authority, and responsibility of the Police.

It has been recognized that the implementation of Polri's duties is increasingly oriented to the community being served, as Klein emphasizes that:

The police carry out a multiplicity of roles. Broadly, these roles include law enforcement, order maintenance, and community service. The police are not only our crime fighters but also our peacekeepers and 24-hour-a-day service providers (Klein 1984, p. 42).

It is important to emphasize that the standardization of police work necessitates three basic things as the followings.

Firstly, International Human Rights Law is binding on all States and their agents, including law enforcement officials. Secondly, Human Rights is a legitimate subject for international law and international scrutiny; and thirdly Law enforcement officials are obliged to know, and to apply, international standards for human rights (United Nations, 2004, p. 1).

In addition, the commitment to public protection should be based on openness, intensive communication and balanced information (Law No. 40 Year 2008 on Openness of Public Information). Green and Ward (2004, p. 85) state:

The culture or habitus of the police can be changed if the ‘field’ of police work changes. As in other areas of state crime, the role of civil society –pressure groups, civil rights lawyers, the media, etc. – is vital to ensuring that marginal and dissident groups cannot be victimized with impunity.

It should be understood that the aim of police reform is to build a democratic, professional and accountable civilian police force in the service of the community by upholding democratic norms and respecting human rights.

Indeed, Polri must be supported in its contribution to Indonesia's democratic investment climate. Democracy requires not only that the police, part of the executive arm of the state, be constrained by law but also that they make a special effort to safeguard activities that are essential to the exercise of democracy, Bayley (2001, p. 14) affirmed.

Similar emphasis was made by Pino and Wiatrowski (2006, p. 10) that in addition to the ability of the police to make itself a democratic institution, supremacy or civil authority becomes essential in the success of the democratic police agenda, as confirmed below:

Democratic policing requires that the police must be as democratic as other government institutions. The police must be committed to the rule of law that limits their powers. They must also have legitimacy, transparency, accountability, a commitment to human rights, and be subordinate to civil authority.

Furthermore, Bayley pointed out that conflict of interest in the name of democracy and legal order is not impossible. A complete version of what Bayley firmly stated is as follows:

In other words, democracy requires not only the rule of law but law with a particular content. The problem is that the police are not responsible for the content of law; the government is. Paradoxically, then, the obligations on the police to be accountable to the rule of law and to protect human rights may conflict, as, for example, when if the law requires them to act in an arbitrary and repressive way. On their own, the best that the police can do to human rights is to "push the envelope" of normative behavior, to be better than the government requires, to show what democracy means in practice and to encourage the public to press for it (Bayley 2001).

As the main pillar of democracy, the police are expected to be smart in avoiding conflicts in the name of law and order, which may allow room for corrupt behaviour through the police's repressive actions. The following phrase is worth pondering, that police corruption is closely associated with organized crime, and it is to the wider relationship between organized crime and the state that we now turn (Green & Ward 2004).

In the context of human rights policing, borrowing the term from Iglesias and Klingshirn, it is important to emphasize that in countries that are undergoing or have experienced a police reform process, human rights are a cornerstone of policing. More is said as follows:

A human rights practice implies that police organizations adopt a comprehensive human rights policy; that international human rights standards are incorporated into standing orders for the police; that human rights training is provided to all police, at recruitment and periodically; and that police organizations should cooperate with national and international human rights organisations (Iglesias & Klingshirn, 2001, p. 19).

Iglesias and Klingshirn's statement above is a major prerequisite in supporting the success of the direction and future of Polri reform. Respect for human rights indeed has a positive implication in the effort to strengthen Polri's institutions in all policies, planning, and implementation of services provided to the community. Similarly, Sganga emphasized as follows:

Finally, yet importantly, influencing police performance is the type or the lack of equipment they have access to and the investigative skills they possess. More often than not, except industrialized countries, police officers have limited access to equipment be it to gather intelligence or to protect themselves or others in situations of danger. This is a structural issue that implicates both an organic reform of the police and a transformation of the teaching curriculum (Snganga, 2006, p. 80).

Based on the experience of police reform in Northern Ireland and China mentioned by Iglesias and Klingshirn in their book *Good Policing; Instruments, Models and Practices*, it is appropriate that the steps for Polri reform carried out thus far have become an

important momentum in an effort to strengthen the commitment and implementation of human rights in Polri's primary duties and functions.

## The Significance of Perkapolri No. 8 Year 2009

Article 4 of the Polri Law stipulates that Polri aims to achieve internal security which encompasses the maintenance of public order and security, orderliness and enforcement of the law, implementation of protection, guarding and service to the community, as well as the enhancement of the people's security by upholding human rights.

However, it must be admitted that the dynamics of police work is very complex. All the regulations of any form are believed to serve only as general guidance. The highly detailed and dynamic life of the police calls for sharpness, speed, reliability, courage, and resilience.

The complexities of police work are strongly supported by the discretion that allows police to anticipate and even resolve problems quickly. Osse (2012) seeks to introduce and understand the real function of police in the middle of public life. Osse (2012) asserted as the followings.

Human rights advocates, as well as academics, often argue that 'good policing' means policing in line with international human rights standards. Although this is no doubt true, it must be understood that international human rights standards offer only limited guidance for day-to-day police work. In fact, good police

work can never be fully captured in rules and regulations, however numerous and detailed they might be. The necessary discretion required by police to carry out their functions presents problems for those human rights advocates preferring to have clear norms against which police behavior can be measured. Many police find the reasoning of human rights advocates to be naïve at best, and theoretical to say the least, reflecting a lack of understanding of their reality and placing an unrealistic burden on police work (Osse, 2012, p. 41).

The attribution of Polri's position and authority should necessarily be independent and free of political interests. The State provides such attribution so that the implementation of one of the government functions, namely in maintaining security and public order, law enforcement, protection, guiding, and service to the community can be well and properly implemented.

In line with that, Polri has a significant role in driving the movement and pace of constitutional democracy. Polri is not the enemy of society. Neither is Polri a barrier to the incumbent power. Polri is expected to be upholding its true ethics and professionalism to enforce truth, justice, and dignity. Without it, Polri will certainly lose its identity as an independent and authoritative state instrument.

Polri's work line covers the deepest areas of public interest. In addition to the fulfilment of the people's sense of security, Polri works towards the respect, promotion, protection, and fulfilment of human rights. If neglect of its attribution and authority occurs, Polri will lose its identity. Polri will undoubtedly lose its credibility as a major pillar of democracy in Indonesia. The same applies the

other way around. In other words, Polri can become human rights violators, but on the other hand can also be a protector of human rights.

The development of Indonesia's constitutional democracy has implication on the existence and role of Polri in general. The demand for Polri to develop public partnership becomes urgent, which is the case in many parts of the world that require public support as the main characteristic of police life in the midst of a democratic society. Uildriks (2009) stated as follows:

A key characteristic of policing in democratic societies is that the police mainly rely upon the public's consent and cooperation to be able to fulfill their policing functions. Public information and assistance then afford the police a basis to act, be it in a service-rendering, preventive or repressive capacity. In the absence of such voluntary, non-repressive forms of police-public interaction they are unable to provide security by policing methods that are compatible with democratic principles (Uildriks, 2009, p. 16).

Perkapolri No. 8 Year 2009 clearly requires all Polri components and personnel to be smart in knowing, understanding and realizing human rights values, principles, and norms as the main elements of a democratic society's life. Polri's code of conduct implies a complete agreement in recognizing the enforceability of international and national human rights instruments.

The Perkapolri's preamble reinforces the foundation of Polri's human rights-based professionalism by using international and



national instruments to underlie the entire Polri's professionalism. In other words, Polri's reform is a historical necessity and a "point of entry" in properly positioning Polri so that it is effective in achieving proven and proud professionalism.

Article 3 of Perkapolri No. 8 Year 2009 expressly recognizes the principles of human rights protection, namely (1) minimum protection; (2) inherent to human; (3) interrelated; (4) inseparable; (5) indivisible; (6) universal; (7) fundamental; (8) justice; (9) equity/equality of rights; (10) freedom; (11) non-discrimination; and (12) special treatment for groups with special needs.

Article 8 paragraph (2) Perkapolri No. 8 Year 2009 also explicitly states the obligation to apply human rights protection and respect, by at least (1) respecting the dignity and human rights of everyone; (2) acting fairly and without discrimination; (3) behaving politely; (4) respecting religious, ethical and moral norms; and (5) appreciating local culture as long as it is not against the law and human rights.

There are three main principles in the service and protection duties to the people. Each Polri member must observe the three principles, namely (1) principle of legality; (2) principle of necessity; and (3) principle of proportionality. The application of these three principles must be accountable and professionally conducted by upholding the rule of law and human rights principles.

Perkapolri No. 8 Year 2009 is arguably a way toward the achievement of Polri's professionalism. Thus, a holistic perspective is needed to see and support Polri's professionalism based on human rights principles. In line with that, Prakash and Suryanarayana state

as follows, the obligation of the police leadership to protect Human Rights will be fulfilled when it is realized that power for the police is not an end in itself but is a means to serve the people (Kodumagulla and Suryanarayana 2011, p. 81).

The presence of Perkapolri No. 8 Year 2009 affirmed the accountability of all Polri's actions. This Polri's code of conduct must be internalized as an integral part of the effort to build the quality of Polri's identity.

The rapid progress of the society, along with demands for democratization through the supremacy of the rule of law, human rights, globalization, decentralization, transparency and accountability, has spawned new paradigms in viewing Polri's objectives, duties, functions, authorities and responsibilities, which also incurs more demands and expectations of the society towards the implementation of Polri's duties that is more oriented to the community it serves.

Polri is a national asset and strength. As a proof of the love towards it, smart ideas continue to appear, albeit critically and harshly at times. This shows the importance for Polri's performance to be involved in the democratization of independent, proud and dignified Indonesia. Perkapolri No. 8 Year 2009 is a form of Polri's awareness in implementing universal humanitarian principles. This constructive understanding is the logical basis for realizing a democratic and humanist Polri.

This is also in line with the Chief of the Police's speech that the most basic outcome of the Polri's reform policy is the ability of Polri to provide excellent service so that the people they

serve are satisfied (Chief of the Police's speech at Socialization the Results of Analysis and Evaluation of Polri Bureaucracy Reform and Grand Design of Bureaucracy Reform 2010-2025, Jakarta, March 4, 2011). The Chief of Police also affirmed that there are at least two national policies implemented within the framework of realizing Polri's main duties and functions, namely Polri's revitalization and reform of Polri's bureaucracy. More is said as follows:

With regard to the signals that suggest confusion in understanding the two policies namely Polri's revitalization and reform of Polri's bureaucracy, you should be able to socialize and convince all members that Polri's revitalization and reform of Polri's bureaucracy Polri are two policies that mutually complement and strengthen each other. Both are not duplicative and are also part of Polri's strategy with the same goal that is the realization of Polri's ability in providing excellent service to the community.

To improve Polri's performance in the reform of Polri's bureaucracy reform (reformasi birokrasi Polri/RBP), Polri issued a policy on Polri's Revitalization Program Towards Excellent Service to Achieve Community Trust. There are three basic things that inform the direction of the revitalization and Polri's bureaucracy reform, namely (1) Polri's institution/structure; (2) Polri's instrumentation/instrument; and (3) Polri's culture (Code of Conduct). These three things become the main focus of the direction of Polri's bureaucracy reform.

Based on Polri's Strategic Plan and Grand Strategy 2005-2025, it was set that the first wave of 2004-2009 reform of Polri's bureaucracy (RBP) covers five areas, namely (1) change of management and cultural transformation; (2) organizational restructuring and governance; (3) quick wins; (4) human resource management; and (5) remuneration and evaluation of Polri's performance and profile in 2025 (Regulation of Minister of Empowerment of the State Apparatus No. Per/15/M.Pan/7/2008 on Guiding Implementation of Polri's Bureaucracy Reform).

The second wave of RBP on Partnership Building and Polri's Revitalization Program 2010-2014 (Presidential Regulation No. 81 Year 2010 on Grand Design of Bureaucracy Reform 2010-2025) establishes nine programs from eight areas of change, as follows: (1) organizational structuring and strengthening, (2) the structuring of governance, (3) structuring of laws and regulations, (4) improving the quality of public services, (5) structuring the apparatus of HR management system, (6) change management, (7) strengthening supervision, (8) strengthening accountability and monitoring and evaluation program.

The third wave of RBP 2016-2019 (Presidential Decree No. 15 Year 2015 on Establishment of Steering Committee and Team of National Bureaucracy Reform) on the strive for excellence refers to the main political agenda of security strategy, namely (1) security services to the public at all times to foster public trust; (2) accelerate the process of upholding the rule of law to realise people's compliance with the law; and (3) to cooperate with all components of society/agencies to maintain and realize internal security.

Institutionally, it is expected that there will be a fundamental change in realizing a healthy and accountable institution, instrumentation and Polri's culture that is not only able to move quickly to respond to the demands of social development but also manifest itself in quality transformation. Aside from being professional, as a state instrument, Polri is expected to carry out its primary duties and functions in an independent, democratic, intelligent, dignified and humanist manner.

Following the direction of Polri reform at the current third wave of RBP, the Chief of Police, Gen. Tito Karnavian, launched a priority program "PROMOTER," which is professional, modern and reliable Polri with eleven priority programs, as follows: (1) internal Polri's reform; (2) improving public services that are easier for the community and IT-based; (3) more optimal handling of radical pro-violence and intolerance groups; (4) improving Polri's professionalism towards excellence; (5) improving the welfare of Polri members; (6) institutional arrangements, fulfilment of budgetary proportion and minimum needs of facilities and infrastructure; (7) raising community awareness and participation towards security and public order; (8) strengthening the maintenance of security and public order; (9) more professional and just law enforcement; (10) strengthening supervision; and (11) Polri's quick wins.

However, it must be admitted that the way towards Polri's reform is not without its problems. It is here that various problems of Polri start to appear. Among the main ones are the lack of Polri budget, the limited number of Polri personnel, the low mastery of information technology and the lack of understanding and the low implementation of human rights in the main Polri's

duties and functions. The last one mentioned might lead to negative development and appreciation at the public level.

A note from the Indonesian National Human Rights Commission (Komnas HAM) in 2012 (Police ranks first with 2,290 complaints of all 7,188 to other institutions) affirmed this. For example, in January-November 2012, Komnas HAM received as many as 1,009 complaints regarding business and human rights from the total 5,422 received complaints. Companies only came second after Polri (1,635 files). Regarding torture, Komnas HAM also provides a special note as follows:

Polri still ranks the first position (1,635 files) as the most widely reported actors to violate human rights. The issues raised were detention and arrest (134 files), legal discrimination in the investigation (893 files), shootings and violence (104 files), and torture during the investigation process (39 files). These numbers reflect that the institutional reforms launched by Polri and Polri's commitment to human rights remain only "on paper" and have yet to have any real impact (Komnas HAM 2012a).

It is now almost a decade after Perkapolri No. 8 Year 2009 was enacted on 22 June 2009. As a normative progress that deserves appreciation, the empirical implementation of Polri's basic duties and functions (tupoksi), especially concerning human rights commitment and implementation should also be examined, especially in North Sumatra.

This progress is important to know in order to improve the attitude and determination to realize Polri's institution and personnel that are democratic, intelligent, authoritative, humanist and professional using human rights-based approach to policing (Crawshaw, Cullen, & Williamson, 2007).

## **Polri's Test of Professionalism**

Polri is the law enforcers. In this position, Polri is an important part of the integrated criminal justice system with advocates, prosecutors, and judges. Accordingly, Article 2 of Polri Law states that the function of the police is one of the government functions in maintaining security and public order, law enforcement, protection, guarding and service to the public.

In carrying out its primary duties and functions, Polri is equipped with strict and strong regulations. As one of the state instruments, Polri's position and authority is affirmed as an important part of the state task which is part of the central government's authority. The Law on Local Government stipulates that the government affairs that are part of the central government's affairs include: (a) foreign policy; (b) defense; (c) security; (d) judiciary; (e) monetary and national fiscal; and (f) religion (Article 10 Paragraph (1) Law No. 23 Year 2014 on Local Government).

Nevertheless, the implementation of Polri's main duties and functions must be carried out professionally and independently. Several provisions under the Perkapolri No. 8 Year 2009 have emphasized the professional and independent aspects of Polri. During an arrest, for instance, Polri must uphold its professionalism,

as envisaged by Article 21 letter d of Perkapolri No. 8 Year 2009 as follows:

In carrying out arrest every Polri member shall ... d. be professional in applying arrest tactics to act humanely, with particular regard to the timing of capture, the means of arrest relating to the categories of the captured such as children, adults and parents or groups of men and women as well as vulnerable people.

Polri's professionalism is also concerned with the task of maintaining security and public order, as highlighted in Article 39 paragraph (2) letter a which reads as follows:

Every officer must: a. treat victims, witnesses, suspects/ detainees and anyone who needs police services in a fair and professional manner in accordance with applicable provisions ...

The protection of human rights during mass unrest as well as Polri's professionalism are highly expected, as affirmed in Article 42 Paragraph (1) Perkapolri No. 8 Year 2009, as follows:

Every member of Polri in a situation of mass unrest must perform the task of maintaining security and public order in a professional manner by respecting and protecting human rights, especially non-derogable rights at all times and under any circumstances.

Police professionalism is relevant to the public response to the quality of police performance. An unprofessional action of the



police directly results in public distrust. Citing the views of Uildriks and Van Reenen, Pino and Wiatrowski stated the following:

Citizens indicate that distrust comes from perceptions of corruption, unprofessionalism, unwillingness to protect citizens, and abuse of authority. This distrust limits citizen willingness to work with the police. Police officers feel mistrusted by the public, and they feel forsaken by the government, distrusted by their supervisors and distrusted by other criminal justice system agents. This is because the police are no longer part of an interconnected state apparatus that had massive cooperation between different agents in the criminal justice system, and this has weakened police power. The police also suffer from a lack of resources in these countries. Guarantees such as free housing are disappearing, and this has undermined morale (Pino & Wiatrowski, 2006, p. 33).

In line with this, Organization for Security and Co-operation in Europe (OSCE) provided the following explanation:

The main duties of the police are to preserve tranquillity and law and order; to respect the fundamental rights and freedoms of each individual; to prevent and combat crime; to provide assistance and services to the public. In order to support and enhance the legitimacy of the State, they must be responsive to the needs and expectations of the public and use the authority of the State in the people's interest. Police officers must achieve these objectives by upholding the law, by acting in compliance with domestic

law and international law enforcement commitments, and in practice, they must show commitment to the rule of law. Police professionalism and integrity are essential ethical values, particularly in view of the fact that the police are endowed with the monopoly of violence (OSCE, 2006, p. 13).

In relation to the upholding of Polri's professionalism, Perkapolri no. 14 Year 2011 affirms that the code of ethics of Polri's profession is the norms or rules that constitute the unity of the ethical or philosophical foundation relating to the behaviour or speech regarding the things that are required, prohibited, appropriate or inappropriate to be done by member of Polri in implementing the job's duty, authority, and responsibility.

There are four basic ethics of member of Polri which support the Polri's profession and professionalism, namely (1) state ethics; (2) institutional ethics; (3) community ethics; and (4) personality ethics. On a separate note, for Amnesty International, the values, standards and norms of human rights must be merged or even upheld as the full ethical standards of the police. This is to ensure the maximum achievement of human rights policing. It is very well asserted that:

According to Amnesty, human rights should become a part of police ethics, but not without a framework for legal implementation or a supervisory mechanism. If these frameworks do not exist, training in human rights and policing does not make much any sense (this is endorsed by Uildriks). Van Troost says, "Many countries

have signed and ratified international human rights treaties, but their national laws permit escape clauses, and Amnesty is of the opinion that these gaps cannot be filled with ethics. Some countries have ratified many relevant instruments but refuse to recognize international oversight mechanisms and complaint procedures (Iglesias & Klingshirn, 2001, p. 40).

In light of this development, Polri must take quick and smart steps in building its institutional and personnel's capacity to be able to portray itself properly, independently and professionally. Proper human rights policing will ease Polri in identifying and finding the best solution in avoiding various forms of human rights violations in Indonesia, as it has become the consensus of the adoption of human rights principles and standards in Polri's duties.

## Human Rights Policing in North Sumatra

At present, of 34 provinces in Indonesia, 33 has established its respective regional police (polda) (Article 1 point 3 Perkapolri No. 22 Year 2010) except the North Kalimantan Regional Police. Particularly in Polda North Sumatera, out of 33 regencies/cities, 436 districts and 734 sub-districts/villages in North Sumatera, the figures of police resort in district/municipality level (polres) only amounted to 27, and the rest were 196 sub-district police (polsek) and 5 village police (polsubsektor). The total number of Polri personnel in North Sumatra is 20,115 and 1,237 civil servants working in the vicinity of North Sumatra Regional Police for a province with the population

of 14 million, arriving at the ratio of 1: 701 (Badan Pusat Statistik Provinsi Sumatera Utara, 2016).

Nationally, human rights education within Polri has been intensively conducted since 2002, albeit still sporadically. The curriculum of human rights education at the level of Police Academy (Akpól) in Semarang, Central Java is organized in the form of training, which only goes for about four days.

The human rights content usually presented in the training is on general knowledge of human rights and practical matters in the main duties and functions of Polri. The training for cadets is held at level III, which amounts to nearly 300 people. More often than not, the implementation of the training is conducted at night between 7 and 10 PM (Interview with Mr. Nur Hidayat, Coordinator Training Program in Akpól, Center for Human Rights Studies at Indonesian Islamic University (UII), Yogyakarta, November 11, 2014) while the learning method employed is discussion, simulation and role play.

In addition to human rights education for Police Academy cadets, human rights training has also been conducted since 2008 for educators, coaches and trainers held every year with about 30 participants. The purpose of this activity is to educate human rights by training and coaching the Police Academy cadets.

Such is also the case with human rights education in 27 of the State Police School (SPN) in North Sumatra Police for sergeant (Bintara) candidates. Human rights content is given towards the end of the education period. The similar thing has been observed at SPN North Sumatra Police for human rights training for reserved officers (Alih Golongan Perwira). Both of these activities were conducted

within two sessions with the number of Bintara candidates and reserved officers candidates vary depending on the number of police personnel recruitment each year. The education and training materials range from general knowledge of human rights, including human rights instruments and practical guidelines in policing conducted through discussion.

Human rights education, especially within the Regional Police of North Sumatra should be improved. In addition to making fundamental changes to SPN governance, it is equally important to inculcate the values, standards, and norms of human rights comprehensively and systematically through various education and training. Empirical experiences still show a low understanding of human rights, which affects the success of achieving human rights-based policing.

The results of research conducted with Centre for Human Rights Studies Unimed in 2013 in five departmental police (Polres) within the Police of North Sumatra, consisting of departmental police of (1) Medan; (2) Pematang Siantar; (3) Asahan; (4) Labuhanbatu; and (5) Mandailing with 68 respondents (Pusham Unimed 2013) discovered that the knowledge and understanding of human rights within Polri is relatively improving, even though the awareness and implementation of human rights in main duties and functions of the police are still low. The main problem that is often confronted by Polri is the confusion in laying the foundation of Polri's work and aligning it with international and national human rights principles and standards.

The study looked at the essence and urgency of Perkapolri No. 8 Year 2009 as the basic guidelines of human rights-based policing in the North Sumatra Police on three dimensions, first, the knowledge of Perkapolri No. 8 Year 2009; second, the level of human rights understanding of police personnel; and third perceptions of the essence and urgency of Perkapolri no. 8 Year 2009 on the implementation of police duties.

These three dimensions are interconnected to see how the mentioned Perkapolri is inculcated and implemented into police tasks as per the purpose and objectives of the Perkapolri. The Perkapolri requires a comprehensive understanding of the conception of human rights and the resulting human rights instruments so that the essence and urgency can be properly affirmed on the implementation of police duties. This is where the problems are perceived with a number of reasons, namely relatively inadequate human rights education, including monitoring and evaluation of Polri's performance in the context of human rights policing.

This research finds that socialization of Perkapolri No. 8 Year 2009 for members of the police in the Regional Police of North Sumatra has not been maximally implemented and not evenly distributed at all levels, both in the ranks of the North Sumatra Police, Polres and Polsek in the North Sumatra Police. Only a small proportion of respondents claimed to have known and had received the socialization of the Perkapolri, and as such, the existence of the Perkapolri and its message are not well known.

Furthermore, Article 8 Paragraph (1) requires every Polri member to understand human rights instruments whether regulated

in Indonesian legislation or international instruments that have been ratified and not ratified by the State. Therefore, the understanding of human rights forms an inherent part of the understanding of Polri members of the implementation of their duties.

Although the respondents in this study claimed to have understood human rights, this study found that the human rights understanding of the respondents is relatively low, indicated by the absence of reference to various human rights instruments, both national and international, by respondents interviewed.

In a separate study conducted by the Centre for Human Rights Studies Unimed together with the National Commission of Human Rights in 2012 about the Role of Local Government in Business and Human Rights conducted in four regencies in North Sumatra Province (Pusham Unimed & Komnas HAM RI 2012), namely Mandailing Natal Regency, Labuhanbatu Regency, Serdang Bedagai Regency, and Deli Serdang Regency, it was found that respondents (ranging from local policymakers, namely local/district government, local legislators (DPRD), police at district and sub-district level, corporations, NGOs, media and victims) did not understand about the UN Guiding Principles on Business and Human Rights (UNGPR).

The latest development of the relationship between business and human rights requires the readiness and competence of state agents, especially at the level of local government, Polri is of no exception as state agents. Business relations and human rights require the state's maximum ability to carry out its duty as well as state's duty on human rights (OHCHR 2011), that the government

should protect individuals from human rights violations by third parties, including businesses.

Armed with this development, Polri must take quick and smart steps in equipping the institutional and personnel's ability to be able to carry out their duties properly, independently and professionally. A well-run human rights-based policing will render it easier for the Police to identify the best solutions in avoiding various forms of human rights violations in Indonesia, especially in North Sumatra.

## Epilogue

Human rights policing in Indonesia has been relatively well campaigned. The scope and achievement of human rights has been inculcated through various policies, among which the most important is the commitment to implement human rights through the Directive of Head of Police (Perkapolri) No. 8 Year 2009 and commitment to implement the process and recruitment of Polri members with clean, transparent, accountable and humane principles through Perkapolri No. 13 Year 2010.

Nevertheless, one still finds fundamental issues on daily implementation on the ground, which requires a smart and rational attitude to overcome. The budgetary constraints, the limited number of personnel and human resources capacity of Polri, as well as the low understanding of human rights are fundamental issues that often find their way in the performance of Polri, particularly in the North Sumatra Police.



In addition to continuous efforts to undertake human rights education, it is equally important to continue ensuring measurable steps in monitoring Polri's performance by using a human rights-based approach. All-out and responsible human rights policing require not only the understanding and acumen of Polri leaders at all levels of command and areas, continuing to synergize by building constructive partnerships with academia, media, and NGOs, but also specific skills for Polri personnel in undertaking their duties on the ground and interacting with the community.

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