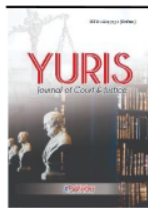


# The Regulation Policies on Legal Aid Norms for Indonesian National Police and Their Family

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## **The Regulation Policies on Legal Aid Norms for Indonesian National Police and Their Family**

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### **ABSTRACT**

*The legal aid for Indonesian National Police and their family is not regulated in Indonesian Law No. 2/2002 concerning the Indonesian National Police, but only regulated in Indonesian Government Regulation No. 3/2003 concerning the implementation of technical institutional general courts for Indonesian National Police, Indonesian Government Regulation No. 42/2010 concerning the rights of Indonesian National Police and Indonesian Police Chief Regulation No. 2/2017 concerning the procedures for providing legal aid by Indonesian National Police. This research aims to examine the policies on legal aid norms for Indonesian National Police and their family in the future. The method in this research is a normative juridical method or normative legal research. The sources of legal materials used are primary legal materials, such as legislation, official records in making laws and judges' decisions. In addition, secondary legal materials are in the form of publications on law include textbooks, legal dictionaries, legal journals, and comments on court decisions. The researcher also used tertiary legal materials, such as dictionaries, encyclopedias, lexicon and others. Based on the result of this research, it is required to formulate legal aid norms for the members of Indonesian National Police and their families in the future by adding one Article 26 A in Indonesian Law No. 2/2002 concerning Indonesian National Police.*

**Keywords:** *Indonesian National Police, Legal Aid, Regulation*

## INTRODUCTION

The 98 reformation provided many significant changes in the state, one of them was in legislation field, including the amendments to 1945 Constitution of Republic Indonesia as the constitution of Republic Indonesia. The constitution has been changed several amendments which changed the status of Indonesian National Police from Military Police (police with a military character) into Civil or Non-Military Police based on the decision of People's Consultative Assembly No. VI/MPR/2000 regarding the separation of Indonesian National Army and Indonesian National Police.

The historical problem that cannot be removed is the position of Indonesian National Police institution that become an integral part of Armed Forces in Republic Indonesia before the enactment of Law No. 2/2002 regarding Indonesian National Police. The comparison in duties implementation between Indonesian National Police and Indonesian National Army should be a consideration in providing legal assistance to the members of Indonesian National Police and their family, because Indonesian National Police has been an integral part of the Indonesian National Army called ABRI (Armed Forces of the Republic of Indonesia) historically, while the burden of duty between Indonesian National Police and Indonesian National Army are equally difficult in guarding the development of NKRI (Democratic State of Republic Indonesia).

The philosophical problems to the members of Indonesian National Police and their families that have the right to obtain legal aid from Indonesian National Police Institution at their service place or based on their residence.<sup>1</sup> Meanwhile, the juridical problem is focused on the formulation of norms between Indonesian Law No. 2/2002 concerning Indonesian National Police and Law No. 34/2004 regarding Indonesian National Army, Indonesian Law No. 18/2003 concerning Advocates and Indonesian Law No. 16/2011 regarding Legal Aid, which is regulated in Law on Advocates and Law on Legal Aid called legal subjects as recipients of legal aid. Based on these reasons, the provision of legal aid provided by Legal Division and Legal Affairs at Indonesian National Police Institution to The members of Indonesian National Police and their Families does not conflict with Law No. RI. 18/2003 concerning Advocates, because they are based on considerations of the benefits and justice of the law itself. In addition, there are sociological problems in providing Indonesian National Police legal aid in judicial practice, that it is not uncommon to refuse the provision of legal aid from Indonesian National Police Institution with the presence of Indonesian National Police Legal Advisors or Indonesian National Police Legal Counsels who have proceedings in Judicial Institution. The implementation Indonesian National Police's duties is becoming more difficult and caused several risks, including legal risks for the actions of the

<sup>1</sup> Rio Aprita, Serlika & Adhitya, *Filsafat Hukum*, 1st ed. (Depok: Rajawali Pers, 2020), [http://repository.um-palembang.ac.id/id/eprint/10854/1/Filsafat Hukum.pdf](http://repository.um-palembang.ac.id/id/eprint/10854/1/Filsafat%20Hukum.pdf).

<sup>7</sup> members of Indonesian National Police, which can affect the condition of Indonesian National Police family.

<sup>28</sup> The basic and important legal reason for the provision of legal aid from Indonesian National Police Institution<sup>3</sup> is because the principle of exception and special character is only given to the members of Indonesian National Police and their Families. The Indonesian National Police Legal Advisors do not need to receive an honorarium as Professional Advocates that regulated in Indonesian Law No. 18/2003 concerning Advocates. Providing legal assistance at Indonesian National Police Agency in conducting defence or advocacy tasks, related to non-professional positions. In addition, the Legal Advisor or Legal Counsel within Indonesian National Police is an Advocate as a position in legal, while Legal Advisor or Legal Counsel according to Law of Republic Indonesia No. 18/2003 is an Advocate as a profession. The application in formulating the norms is an important things in providing legal aid<sup>21</sup> Legal Division and Legal Affairs at Indonesian National Police Institution to the members of Indonesian National Police and their families, from the highest position at Indonesian National Police Headquarters to<sup>41</sup> west position at Polsek (The Sector Police) or Polsekta (The City Sector Police). Based on the background of this research, the researcher is interested in conducting a legal research in the form of a dissertation with the title "The Regulation Policies on Legal Aids Norms for Indonesian National Police and Their Family".

## RESEARCH METHODOLOGY

This research used normative legal research in the form of normative-descriptive qualitative analysis. According to Sugiyono statement that descriptive qualitative method is a method<sup>23</sup> that collecting data research by using words rather than number.<sup>2</sup> Meanwhile, normative legal research is commonly known as document study, uses qualitative methods in analyzing data, and uses secondary data sources, such as regulations, court decisions, books, legal theory, and doctrine.<sup>3</sup> The approaches used are legislation, conceptual, comparative, historical, philosophical, and document studies.<sup>4</sup> Normative in legal research is a research that examines applicable legal norms, which in this research used three sources of legal materials used a<sup>13</sup> primary, secondary, and tertiary legal materials. Primary legal sources consist of legislation, official records in making legislation and judges' decisions. Furthermore, secondary legal materials are in the form textbooks, legal dictionaries, legal journals, and comments on court decisions.<sup>5</sup> While tertiary legal

<sup>36</sup> Sugiyono<sup>31</sup> *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D* (2th Edition) (CV. Alfabeta, 2019).

<sup>3</sup> Johnny Efendi, Jonaedi & Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*, 1st ed. (38) ok: Prenada Media Group, 2016).

<sup>4</sup> <sup>30</sup> r Mahmud Marzuki, *Penelitian Hukum*, Cet 13. (Jakarta: Kencana, 2017).

<sup>5</sup> Yulianto Achmad Mukti Fajar Nur Dewata, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

materials are from dictionaries, encyclopaedias, lexicon and others. The legal materials are conducted by reading, viewing, listening, or searching through the internet. Meanwhile, the processing of materials is carried out by selecting secondary data or legal materials, then classifying them based on the legal materials and compiling data from the research results systematically and logically.

## RESULTS AND DISCUSSION

### The concept of formulating legal aid norms for Indonesian National Police and their families (*Ius Constituendum*)

The concept of formulating legal aid norms for Indonesian National Police and their families (*Ius Constituendum*) is reviewing legal materials including legal aid arrangements for several international conventions, legal aid arrangements in legislation in police of several countries, legal aid in laws and regulations in Indonesia which generally applicable legal aid arrangements and special legal aid arrangements. The implementation of legal aid in judicial practice at Indonesian National Police institution and some expert statements on legal aid provision by comparing the formulation of applied norms in Philippine State Police and Thailand State Police, as well as the institution of Indonesian National Army compared to norms formulation of Indonesian National Police.

The formulation of legal aid norms for Indonesian National Police and their families in Indonesian Law No. 2/2002 concerning Indonesian National Police has not regulated yet, but it regulated in PP RI (Indonesian Government Regulation) No. 3/2003 and PP RI No. 42/2010 and PERKAP (Indonesian Police Chief Regulation) norms No. 2/2017, because the Government Regulation and National Police Chief Regulation are types of regulations that lower than the Law, then their validity is not strong enough. Furthermore, the researcher proposes to add one article that is Article 26 A of Indonesian Law No. 2/2002 concerning Indonesian National Police which has the substance that is "every member of National Police and their family has the right to obtain legal protection and legal aid services inside and outside the judiciary". The concept of formulating legal aid norms that guarantees legal certainty and benefits for the community, especially for the members of Indonesian National Police and their family. The discussion of the concept of legal aid norm formulation will be divided into two, these are (1) the location of legal aid norms formulation for the members of Indonesian National Police and their families based on the regulations of Indonesian National Police and the formulation of legal aid norms for the members of Indonesian National Police and their families.<sup>6</sup>

The original formulation of Indonesian Law No. 2/2002 concerning Indonesian National Police in Article 26 Paragraph (1) described that "Every member of Indonesian National Police shall receive a fair and proper salary and

<sup>6</sup> Shidarta Shidarta, "Bernard Arief Sidharta: Dari Pengembangan Hukum Teoretis Ke Pembentukan Hukum Nasional Indonesia," *Undang: Jurnal Hukum* 3, no. 2 (December 1, 2020): 441–476, <https://ujh.unja.ac.id/index.php/home/article/view/185>.



her rights"; and in Paragraph (2) "The provisions regarding salary and other rights as referred to in paragraph (1) shall be further regulated by a Government Regulation".

In formulating Legal Aid Norms for the members of Indonesian National Police and their Families, the researcher proposes to add one article that is Article 26 A of Indonesian Law No. 2/2002 regarding the Indonesian National Police, the substance concerned about every the members of Indonesian National Police and their family has the right to receive legal protection and legal aid services both inside and outside the judiciary. The proposal for laying the formulation of legal aid norms in Indonesian National Police Law is based on the considerations such following below:<sup>7</sup>

1. Discuss from the juridical study:
  - a. Comparing legal aid arrangements in different countries
  - b. The regulation of legal aid in a statutory constitution in Indonesia, such as:
    - a) Indonesian Law No. 8/1981 concerning Criminal Procedure Code is regulated in Article 54 that described about "for the defense purposes, a suspect or defendant is entitled to legal assistance from one or more legal advisers during the time and at every level of examination is according to the procedure specified in this law".
    - b) Indonesian Law No. 34/ 2004 regarding Indonesian National Army is regulated in Article 50 Paragraph (2) which described that "Soldiers and student soldiers receive treatment and official services which include in letter (f) legal assistance"; and in Paragraph (3) contained that "Soldiers' families receive official treatment which is stated in letter (c) legal assistance."
    - c) Indonesian Law No. 12/2011 concerning the establishment of legislation is regulated in Article 10 Paragraph (1) letter e which described that "The content that must be regulated by law includes one the reasons is to fulfill the legal needs in society."
2. Discuss from the theoretical study:
  - a. The theory of level norms according to Hans Kelsen with Stufen Bau is that the laws and regulations applied in a country are a tiered legal norm.<sup>8</sup>
  - b. The Theory of Formulated Policy from Barda Nawawi Arief, he concluded that the politics of criminal law is synonymous with the definition of "the criminal policy prevention with criminal law". In

<sup>25</sup> Romli Atmasasmita, *Teori Hukum Integratif: Rekonstruksi Terhadap Teori Hukum Pembangunan* (Yogyakarta: Genta Publishing, 2012).

<sup>26</sup> Bernard L. Tanya, *Teori Hukum : Strategi Tertib Manusia Lintas Ruang Dan Generasi*, 5th ed. (Yogyakarta: Genta Publishing, 2019).

addition, the criminal law policy (penal policy) as part of law enforcement that the embodiment into three policies process, these are:

- a) The stage of determining<sup>2</sup> the regulation (formulation stage) or legislative policy, called the stage of law enforcement in *abstracto* by the legislature;
- b) The application stage is the stage of applying criminal law by law enforcement officers from Police to the<sup>2</sup> court;
- c) The stage of implementing the policy (execution stage) is the stage of concrete implementation of criminal law by criminal implementing officers which contained in Chapter II, sub chapter 2.1.1.3.2.

### 3. Discuss from the historical basis

The established regulations must consider the provision of legal assistance from Indonesian National Police Institution to the members of Indonesian National Police and their families, considering that it had been implemented previously since the Indonesian National Police Institution was still an integral part of Indonesian National Army called ABRI (Armed Forces of the Republic of Indonesia) which was subject to the Military Courts. After the reform of Indonesian National Armed Forces Institution, Indonesian National Police is subject to General Court in Legal Division at Indonesian National Police Headquarters in Jakarta, the Legal Division at the level of Polda (Regional Police Department) and Legal Division at Polrestabes (Indonesian National Police Department) or Polres (Resort Police Department) level throughout Indonesia for legal aid services provision.

Because of the enactment of Indonesian Law No. 2/2002 concerning<sup>15</sup> Indonesian National Police in Article 29 Paragraph (1) that described about "Police members are subject to the power of General Courts", as a legal consequence of the members of Indonesian National Police in obeying to General Courts, all regulations related to Military Law, both material law and formal law are enforced to Indonesian National Army members is declared invalid declaration for the members of Indonesian National Police.

### 4. Discuss from the Sociological Perspective:

The duties and authorities comparison between Indonesian National Police and Indonesian National Army is equal<sup>3</sup> same, then it is not excessive to provide legal assistance for the members of Indonesian National Police that balance with Indonesian National Army members. The implementation of Indonesian National Police's duties will certainly become more difficult and have several risks, including legal risks, even<sup>46</sup> death penalty in conducting their duties and authority over the actions of

the members of Indonesian National Police, which may affect the condition of their family such following below:

- a. The duties implementation of The members of Indonesian National Police is become more complex and difficult;
- b. The large number of The members of Indonesian National Police, for example in East Java Regional Police in October 2013 was approximately 42,898 members. Moreover, the total number of The members of Indonesian National Police throughout Indonesia is approximately 419,213 members;
- c. The police must sure that someone is guilty, since they face the heavy risk. Apart from legal risks, such as wrongful arrest and pretrial, the police also face sociological risks, such as resistance that even cost his life. Therefore, the police are very serious in doing the arrest/detention. Thus, before he decides to act, he already act based on SPP (Criminal Justice System), such as detaining, examining and judging, and punishing someone.

Therefore, there are various risks such as legal risks, sociological risks and death risks for the members of Indonesian National Police, it is reasonable to consider that the members of Indonesian National Police and their families receive treatment and legal aid services from Indonesian National Police Institution.

#### 5. Discuss from Expert Statements

- a. According to Artidjo Alkostar's, the provision of legal assistance to The members of Indonesian National Police and their families in an emergency can be justified by Indonesian National Police Institution, based on the reasons for certain cases, institutional needs, free of charge, conducted non-commercially within the Indonesian National Police environment, not for advocate services in general and most importantly meet the qualifications in Advocates Law on and the Legal Aid Law.<sup>9</sup>
- b. According to RM Pangabean stated that the provision of legal assistance for the members of Indonesian National Police and their families is not prohibited, when it is based on any existing laws. The open legal system principle also applies, which means that the law applies in principle in general, but there is no prohibition against the law and can apply specifically.
- c. According to Otto Hasibuan statement, the legal assistance for the members of Indonesian National Police and their families can be

<sup>9</sup> John Kenedi, *Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum Di Indonesia*, ed. Sirajuddin, 1st ed. (Yogyakarta: Pustaka Pelajar, 2017), [http://repository.iainbengkulu.ac.id/4689/1/Buku%2C Kebijaksanaan Hukum Pidana %28Penal Policy%29 dalam sistem penegakan hukum di Indonesia..pdf](http://repository.iainbengkulu.ac.id/4689/1/Buku%2C%20Kebijakan%20Hukum%20Pidana%28Penal%29%20dalam%20sistem%20penegakan%20hukum%20di%20Indonesia.pdf).



provided by professional advocates or in the legal field<sup>19</sup> that specifically registering Indonesian National Police with National Legal Development Agency of the Ministry of Law and Human Rights in order to get ratification in providing the legal aid, especially for the members of Indonesian National Police.

6. Discuss from Philosophical Perspective, there are several considerations as follows:
  - a. The Human Rights Theory from Soenawar Soekawati argues that the understanding of equality before the law principle in Pancasila is different from the principles adopted by western democracies that equality and freedom in Indonesia are the responsible freedom.
  - b. The regulation of human rights is used to strengthen and protect every individual. When the citizens are faced with threats from the state authority, the protection of their human rights will be guaranteed through this law which is mandated in the preamble as the implementation of human rights precepts in Pancasila.
  - c. The preamble that underlies Indonesian Law<sup>19</sup> No. 12/2011 concerning the Legislation Establishment is to actualize Indonesia as a state of law that oblig<sup>12</sup> to implement national legal development which is conducted in a planned, integrated, and sustainable manner in national legal system that guarantees the protection of rights and obligations of all Indonesian people based on 1945 Constitution of Republic Indonesia.
  - d. The existence of legal aid is quite strategic in realizing legal protection efforts and protect the human rights for parties involved in criminal justice system, considering that the interests of human rights do not only concern the interests of state, but also the interests of citizens. Human rights are completely rooted in normative considerations then humans are treated as human dignity and the operationalization of human rights activities has a shared responsibility between humans in state structure that must be realized.
  - e. The reform of the criminal procedure law is<sup>16</sup> intended to provide more legal certainty, law enforcement, law order, public justice, equal legal standing, legal protection and human rights, both for suspects, defendants, witnesses and victims for the implementation of law.

Every people who is judged has the right to obtain legal assistance from the investigation<sup>10</sup> until a court decision that has permanent legal force which means that

the provision<sup>6</sup> of legal assistance is a human right that applies at every level of investigation in criminal justice system.<sup>10</sup>

The enforcement of legal aid provision in Criminal Justice System can be addressed to anyone, including The members of Indonesian National Police and their family, due to certain circumstances are involved in criminal cases in becoming suspects or defendants which<sup>6</sup> are punishable by death or imprisonment for fifteen years or more. In other words, the provision of legal aid generally applies to anyone<sup>1</sup> who meets the criteria of Article 55 of Indonesia Law No. 8/1981 concerning Criminal Procedure Code.

The provision of legal assistance at Indonesian National Police Institution<sup>33</sup> the members of Indonesian National Police has been implemented since the Indonesian National Police Institution is still an integral part of Indonesian National Army called ABRI (Armed Forces of the Republic of Indonesia) which is subject to the Military Courts. After the reformation, the Indonesian National Police Institution is subject to General Court which is conducted by the function of Legal Division in National Police Headquarters at Jakarta, the Legal Division at the level of Polda (Regional Police Department) and Legal Division at Polrestabes (Indonesian National Police Department) or Polres (Resort Police Department) level throughout Indonesia for legal aid services provision.

### The Formulation of Legal Aid Norms for The members of Indonesian National Police and their families<sup>15</sup>

The original formulation of Indonesian Law No. 2/2002 concerning Indonesian National Police in Article 26 Paragraph (1) described that "Every member of Indonesian National Police shall receive a fair and proper salary and other rights"; and in Paragraph (2) "The provisions regarding salary and other rights as referred to in paragraph (1) shall be further regulated by a Government Regulation".

In formulating Legal Aid Norms for the members of Indonesian National Police and their Families, the researcher proposes to add one article that is Article 26 A of Indonesian Law No. 2/2002 regarding the Indonesian National Police, the substance concerned about every the members of Indonesian National Police and their family has the right to receive legal protection and legal aid services both inside and outside the judiciary. Furthermore, a basic research will be conducted on the formulation of legal aid norms related to legal subjects with the word "Every member of Indonesian National Police and their family" as follows:

1. Discuss from the juridical study
  - a. Comparing the legal aid arrangements in several countries, such as the provision of legal assistance for each member of PNP (The Philippine

<sup>10</sup> Inge Puspita Fauzi, Suyogi Imam & Ningtyas, "Optimization of Legal Assistance to the Fullest<sup>11</sup> Access to Law and Justice for Poor People," *Jurnal Konstitusi* 15, no. 1 (2018): 50–72, <https://jurnalkonstitusi.mkri.id/index.php/jk/article/download/1513/352>.

National Police) is regulated in Section 56. Article 49 of Republic Law No. 6975. The legal protection and legal aid for Royal Thai Police Officer (Thailand State Police Officer) is regulated in Criminal Code and Criminal Procedure Code.

- b. The regulation of legal aid in Indonesia regulation, namely RI Law no. 34/2004 concerning Indonesian National Army is regulated in Article 50 paragraph (2) that states "Soldiers and student soldiers receive treatment and official services which include the letter (f) legal assistance"; and Paragraph (3) "The soldier family receives official treatment, which includes in letter (c) of legal assistance". For the provision of legal assistance for The members of Indonesian National Police and the families not regulated in Law No. RI. 2/2002 regarding Indonesian National Police.
2. Discuss from the theoretical study:
- a. The Theory of State Law from Padmo Wahjono statement based on the instructions from 1945 Constitution of Republic Indonesia, the concept of Indonesia as State of Law such following below:
    1. The law is originating from Pancasila;
    2. The People's Consultative Assembly is the highest state institution that the president as mandate with DPR (Legislative Assembly) as part of MPR (The People's Consultative Assembly ) are the legislators;
    3. The government is based on a constitutional system and not absolutism;
    4. Judicial authority is an independent authority that it is free from the influence of government authority;
    5. Every citizen has the same position in law and government and is obliged to obey the law and government without exception;
    6. The law based on Pancasila and provides equal rights and obligations must have a function as a protector which contained in Chapter II, sub chapter 2.1.1.3.2.
  - b. The theory of justice according to John Rawls described that the fulfillment of equal rights to basic liberties (equal liberties), the Commutative Justice and Protective Justice Theory is the authority that provides protection to every human being for no one gets the arbitrary treatment. The meaning of the words "Every human being" and "Every citizen" is anyone without exception, including the members of Indonesian National Police and their families which contained in Chapter II, sub chapter 2.1.1.3.2.
  - c. The theory of Criminal Justice System by Hamington and Ohlin described that the criminal justice system is the use of a systems approach to the mechanism of criminal justice administration, and

criminal justice is an interaction between statutory regulations, administrative practices and social attitudes. In understanding the system, it implies an interaction process that is prepared rationally and efficiently. In providing certain results with all its limitations, the law enforcers, such as police, prosecutors, judges and correctional officers, are expected in conducted their duties in implementing the ideals of criminal justice<sup>27</sup> led the due process of law (a fair or proper legal process) which is the opposite of an arbitrary process (an arbitrary process based on the power of law enforcement<sup>22</sup>ent). The meaning of law due process is often associated with the application of criminal procedure law to a suspect or defendant, even though this term has a broader meaning than just the application of laws and regulations, since it also contains the meaning of respect for every citizen. Therefore, every party involved in criminal justice system, whether they are victims, witnesses, including suspects/defendant must be given an adequate right, in order to create a fair trial which contained in Chapter II, sub chapter: 2.1.1.3.1.

### 3. Discuss from Expert Statements

- a. According to Artidjo Alkostar's stated that every citizen as stipulated in Law on Legal Aid has the right to obtain legal assistance in law enforcement and the provision<sup>49</sup> of legal services, it cannot be separated between civilians and the members of Indonesian National Police. Whereas the essence of law is justice, no one in Indonesia should be prosecuted for neglecting the provision of reasonable legal services. In law enforcement, the application of fairness fair principle is concern to everyone, both defendants and plaintiffs including Indonesian National Police members at all levels of examination, investigation, prosecution and in court. The legal aid is part of justice enforcement implementation. In principle, everyone must get right and fair treatment, in legal science it is called the Due Process of Law.
- b. According to RM Pangabea statement, he stated that the background of providing legal assistance for the members of Indonesian National Police and their families is inseparable from the rules that apply within the Armed Forces, which are related to Indonesian Law No. 20/1982 on defense and elaborated by Indonesian Government Regulation No. 6/1986, the substance of which is the basis for the provision of legal assistance implemented by legal function builder, in legal department, both in Indonesian National Police and Armed Forces. The members may not use legal services outside the institution due to financial limitations. The purpose of providing legal assistance is to provide welfare guarantees for The members of Indonesian National Police and their families, considering that the form of welfare is not only in the



form of physical welfare, but can also in the providing legal assistance for The members of Indonesian National Police and their families in order to obtain peace in dealing with legal problems.

<sup>1</sup> The provision of legal assistance for <sup>28</sup> the members of Indonesian National Police Institution and their families aims to improve the welfare of the members of Indonesian National Police, because the form of welfare does not only have a material dimension, but also has the dimensions of inner peace, tranquillity, and inner satisfaction in conducting their duties. Since the guarantee of legal protection and legal assistance from Indonesian National Police <sup>24</sup> Agency, when they get or are faced with legal problems it should be noted that the provision of legal assistance by Indonesian National Police is not immediately granted, considering that it relates to the right to use or not to use the legal aid.

The researcher stated that there are inconsistencies in the regulation of norms <sup>45</sup> that there is a vertical incompatibility in the regulation between Law No. 2/2002 concerning Indonesian National Police, Indonesian Government Regulation No. 3/200<sup>3</sup> concerning the Implementation of Technical Institutional General Courts for Members of Indonesian National Police, and Indonesian Government Regulation No. 42/2010 concerning the rights for the members of Indonesian <sup>24</sup> National Police, and PERKAP (Indonesian Police Chief Regulation) No. 2/2017 concerning the procedures in providing legal aid by Indonesian National Police. The previous regulations are still technical regulations, for the regulations that are not clear yet, it should not be interpreted through the policy formulation of the act to determine its clarity.

## CONCLUSION

Legal assistance in Indonesian National Army has been implemented well according to legal regulations. This can be a guideline for the Indonesian National Police. It is required to understand that Indonesian National Police, in its implementation or operational level, requires the formulation of appropriate legal aid norms, so the role is in line with the Police Ethics. Indonesian National Police Scholars should be able to formulate norms regarding the provision of legal aid optimally in accordance with legal problems faced by the members of Indonesian National Police and their families.



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# The Regulation Policies on Legal Aid Norms for Indonesian National Police and Their Family

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