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# The indonesia's Police Reform Police in the Reform Era New Institutionalism Perspective

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## ABSTRACT

Since the reformation and democratization movement in 1998, Indonesians have faced a chronic corruption problem. At the beginning of reformation era in 1998 to fight against corruption, the Indonesian government reforms the organization structure of the Indonesia Police to be an independent body separated from the Military organization. The police reforms begun in 1999 and got legal foundation with Act No. 2/2002. However, since fourteen years, the level of police reform has not yet succeed because of low community satisfaction on police service and the intense conflicts always occur whenever ACA investigates the case of corruptions conducted by police leaders. Three conflicts between police institution and ACA have taken placed. By using institutionalism approach, this research focus on the reform in police themselves are major actors on how reforms are organized and managed. This study is interpretative in nature gained only through social constructions such as language, consciousness, shared meanings, documents, tools, and other artefacts'. This finding revealed that this unsuccessful institutionalization process took place in a context of the main task of police for community service. Second, the study has demonstrated that three concepts from institutional theory as aforementioned provided vocabularies and insights to explain the phenomenon under study. Keyword: new intitutionalism. Anti Corruption Agency, police, corruption, conflict

## INTRODUCTION

In the early 20th century there were increasing demands for a police reform in order to professionalize the police, reduce corruption and political influence, and increase the accountability of the police to the law (Paun. C, 2007).

Since the reformation and democratization movement in 1998, Indonesians have faced a chronic corruption problem. At the beginning of reformation era in 1998 to fight against corruption, the Indonesian government reforms the organization structure of the Indonesia Police to be an independent body separated from the Military organization. In addition, another anti-corruption body was also established in 2002 named Anti-Corruption Commission (ACC) to fight against big corruption.

The police also played a role as an instrument of control under the New Order government, especially through its role as an institution from which any permission should be sought for any social and political activities (Sukma, R., & Prasetyono, E. (2003). Meanwhile, after the New Order under the National Police Act No. 2/2002 stipulates that the police are an instrument of the state responsible for guarding public security and order and are tasked to protect, guide, and serve the public as well as uphold the law (Sukma, R., & Prasetyono, E., 2003). However, the Indonesian police has been 'trenchantly criticized for being ineffective, inefficient, brutal and corrupt' (Kunarto, 1995). As they are very poorly funded, inadequately trained, and insufficiently equipped, they have been completely incapable of fulfilling their duties, particularly in hot spot areas such as Aceh, Papua, Maluku, Kalimantan, and Central Sulawesi. Indeed, the police are ill prepared to perform that function; a fact that has been acknowledged by the police themselves (Indonesian Observer, 18 December 2000). Since the police joined the military and executed a paramilitary policing style, Polri has been characterised by three problems: their terrible weakness as law enforcers, the poor quality of policing and an unhealthy police public relationship (Meliala, A. 2001). Institutional norms and practice of police must be brought into clear alignment with citizens' interests and needs for safety and reassurance (influence) (Goldsmith, 2005). Levi argued that to 'earn the trust of the citizens, government actors place themselves in institutional arrangements that structure their incentives so as to make their best options those in

which their individual benefits depend on the provision of the collective benefit' (1998).

This study is interpretative research in new institutionalism perspectives that nature gained only through social constructions such as formal and informal constrains of institution. First, it provides a new understanding and a fresh explanation of how institutionalization of Indonesia's police have taken place in the context of developing countries.

### **THEORETICAL FRAMEWORK**

According to Ostrom (1999), institutions have wide definitions and numerous concepts that are based on behavioural rules, norms and approaches. In other words, "institutions are the prescriptions that humans use to organise all forms of repetitive and structured interactions, including those within families, neighbourhoods, markets, firms, sport leagues, churches, private associations, and governments at all scales (Ostrom, 2005). The terms of institutions can be considered to include formal institutions, such as Constitution, government laws, charter, decree and statutes, and informal institutions, such as code of conducts, customs, local knowledge and social expectations (North, 1991, Quinn et al., 2007, Smajgl and Larson, 2007).

North (1990) argues institutions are the rules of the game in society or, more formally, are humanly devised constraints that shape human interaction. In consequence they structure incentives in human exchange, whether political, social or economic. Moreover, North argues that conceptually, the rules must be clearly distinguished from the players. Besides, the purpose of the rules is to define the way the game is played but the objective of the team within that set of rules is to win the game (North, 1990). A key difference between organisation and institutions is as follows: organisation is a group of people that want to achieve the same goals bound by common purposes, and institutions are mainly the rules of the game or code of conduct that define social practices and interactions among the stakeholders (North,

1990).

On the other hand, there are some problems with North's exposition. Hodgson (2006) says that North is insufficiently clear about the distinction, (a) between institutions and organisation, and (b) between "formal rule" and "informal constraint". The first problem arises if we define the organisation as an actor or player. North simply ignored that the instances when "the group of people that want to achieve the same goals bound by common purposes" may not be the case. North is less interested in the internal mechanism by which the organisations coerce or persuade members to act together to some degree (Hodgson, 2006). In other words, an organisation involves structures or networks, and these cannot function without rules of communication, membership and sovereignty so in that case, organisation must be regarded as a type of institution (Hodgson, 2006).

The second ambiguity of North's argument is the distinction between formal "rules" and "informal" constraint. Some identify formal with legal and look at informal rules as non-legal; in turn, if "formal" means "legal", then it is not clear whether "informal" should mean illegal (Hodgson, 2006). Furthermore, it is possible to identify the formal as being that which is designed, and the informal as spontaneous institutions, along the lines of Carls's distinction between pragmatic and organic organisation (Hodgson, 2006). Therefore, it is suggested that the terms formal and informal with regard to institution and rules should either be abandoned or employed with intense care.

Another scholar says that institutions are also a body of norms, rules and practices that form behaviour and expectations of the stakeholders (Heywood, 2011). In other words, institutions can be described as the sets of working rules that are used to decide who is entitled to make decisions in some arena, what actions are permitted or restricted, what aggregation rules will be enforced, what procedures must be obeyed, what information should or should not be shared, and what rewards or punishments will be given to stakeholders based on their action (Ostrom, 1990).

In regard to describing the difference between norms and law, norms is all of those settings that define proper behaviour and then these norms make it feasible for people to live together without excess (Ostrom, 1990). In addition, norms can build reputation. On the other hand, law is established by Government and applied throughout society; Law is compulsory; a citizen cannot choose which laws to follow or to ignore (Heywood, 2011). Furthermore, law is also recognised as binding on those whom it affects and law has a civic quality in that it consists of codified, published and enforced (Heywood, 2011). In addition, law provides rights to the people and promises that all the people or parties will be treated equally (Fennell, 2010).

Institutions as rules and procedures (both formal and informal) that structure social interaction by constraining and enabling actors behavior. How to distinguish between formal and informal institutions is, however, less clear. Some scholars equate informal institutions with cultural traditions. Others employ a state-societal distinction, treating state agencies and state-enforced rules as formal, and the rules and organizations within civil society as informal. Still others distinguish between informal norms, which are self-enforcing, and formal rules, which are enforced by a third party, often the state (Helmke and Levitsky, 2004)

In the recent period we find two influential but contrasted ways to conceptualize the relation of informal and formal rules institutions. *The first is Hayek's* theory of law. It is influenced by the *common law* experience and sees law (like morals) as evolved abstract rules that have been selected through a lengthy historical process of cultural evolution, where the advantageous rules have been filtered through group selection. *The second* prominent theory is North's view of institutional change. North distinguishes between formal and informal institutions, and underlines the inertial character of the latter. Defining institutions as constraints, he notes that "informal constraints that are culturally derived will not change immediately in reaction to changes in the formal rules," leading to a "tension between altered for-

TABLE 1. THREE PILLARS OF INSTITUTION

	REGULATIVE	NORMATIVE	CULTURAL -COGNITIVE
Symbolic system	Rules and laws	Values Expectations	Categories Typifications Schema
Relational systems	Governances systems Power systems	Regimes Authority systems	Structural isomorphism Identities
Routine	Protocols Standard Operating Procedures	Job Roles Obedience to duty	Scripts
Artifacts	Objects complying with mandated specifications	Object meeting conventions, standard	Objects possessing symbolic value

Source: W Richard Scott, *Institution and Organization*, Sage, Los Angeles, 2009.

mal rules and the persisting informal constraints.. While changes in formal rules are made and enforced by the polity, informal constraints are linked to cultural inheritance. North also strongly criticizes the mainstream approach to transition, emphasizing the limits to our understanding of institutional change (Chavance, 2008).

A number of authors have extended the new institutionalist view in terms of the interplay between formal and informal rules. Pejovich (1999) has put forward the “interaction thesis,” where different instances of relations are distinguished: 1) Formal institutions suppress, but fail to change informal institutions; 2) Formal rules directly conflict with informal rules; 3) Formal rules are either ignored or rendered neutral; and 4) “Formal and informal rules cooperate” – as in cases where the state institutionalizes informal rules that had evolved spontaneously. Based on new institutionalism—which focuses on the interaction between an organization and its broader context and defines “institution” not only as the formal and informal processes and rules of an organization but also as systems of meanings and normative order that guide, incentivize, constrain, and encourage how individual and organizations operate and interact with each other (DiMaggio & Powell, 1983; March & Olsen, 1984, 1989; Scott, 1994). Further more Scott (2008) identified supporting institution called “pillars” (Table 1).

Institution constraint and regularize behaviour. It has regulatory processes that involve the capacity to establish rules, inspect other conformity to them and manipulate sanctions-rewards or punishment in an attempt to influence future behavior (Scott, 2009). Normative pillar is placed on normative rules that introduce a prescriptive, evaluative and obligatory dimension in to social life, such as values and norms (Scott, 2009). Selznick (1996) suggests, organizational practices are not institutionalized unless they emerge to have distinctive forms, are infused with value beyond the technical task requirements, and are embedded with rituals and norms. Cultural pillar follows anthropologists theory which stresses the centrality of cultural-cognitive elements of institutions: the nature of social reality and the frames through which meaning is made (again see Table 1). Cultural-cognitive pillar insist not only organization applies rules and enforcement mechanism, but also socially constructed (Scott, 2009).

## RESEARCH METHODS

The research in qualitative in nature trying to explore police organization as a institution. Police organization is heavily influenced by one another's actions or institution, and pattern their own behaviors after those of other organizations at large, they are continually in flux, as they are produced and reproduced in response to a larger social—that is, institutional—environment (Zorn et. al, 2010). Institutional pressures from the environment thus magnify the homogeneity of practices across institutions. Research emanating from institutional theory has empirically documented how common practices become established across multiple organizations, in order that organizations may be seen as legitimate members of a particular organizational field (Scott & Meyer, 1991; Tolbert & Zucker, 1983). The document of Indonesia's police reform and vary police survey could be important source of data for this paper. We try to combine many source of data from different research and classify into intituionalist view of thinking.

TABLE 2. INDONESIA POLICE REFORM SINCE 1999

STRUCTURAL CHANGE	LEGAL CHANGE	CULTURAL CHANGE
1. Police as a independent institution (ministry level)	1. MPR Decree VI and VII Year 2000	1. Tri Brata Catur Prasetya Doctrine
2. Partner of Parliament	2. Amandement of Constitution Article 30 1945 Constitution	2. Ethic of Conduct, philosophy, behaviour guidance, symbol and behavior guidance
3. Specific Human resources management (Act No. 43/1999)	3. Act No 2 Tahun 2002 and Government Regulation and Presidential Decree.	3. Song, symbol.
4. Budget Structure Change	4. Revision of 300 of intruotional procedures	4. Minimize ceremonial event;
5. Geographic-Flat-pyramida organization structure.	5. The doctrine change	5. Empowerment of lowest rank police officer.
6. Discrecion development (Article 18 Act No. 2/2002)	6. Formulate grand strategic strategic plan for 25 years	6. Redefinition of police role through demilitarization, depolitized, defeodalism, debureaucratization, and decentralization.
7. Set up Police Commission		
8. Mobile Resiment Liquidation		

Source: Bambang Widodo Umar, *Indonesia Police Reform*, IDSPS Press, Jakarta, 2009.

## RESULT AND ANALYSIS

We will describe and analyze the current status of Indonesia police reform into three sections: police reform policy, previous longintudinal community satisfaction on police service research done by other reseachers, corruption in police organization and the dynamic relation between police and ACA (anti Corruption Agency) in term of suspected high-rank police officers.

### POLICE REFORM POLICY

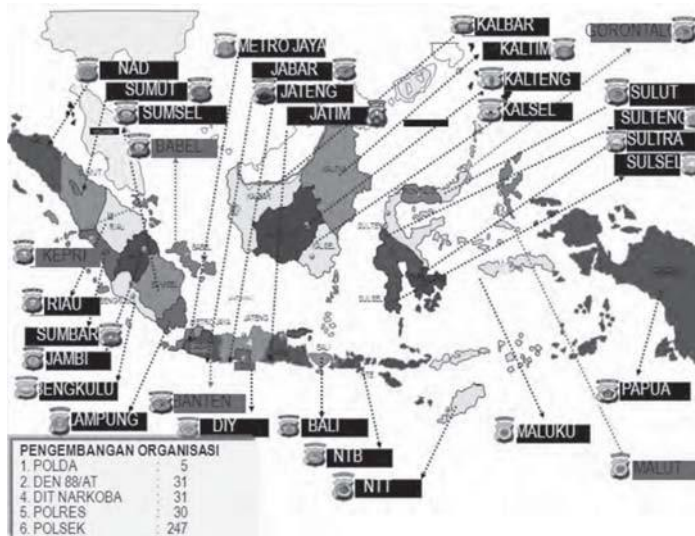
Police reform in indonesia was preceded the release of Presidential Decree No. 2 1999 which ordered Defence Minister to set the police instituion separation from the armed forces. In july 2000 furthermore the government issued a Presidential Decree No. 89 / 2000 on the police institution status and role. This presidential decree stated that police is managed directly under the president. In the next august 2000, the government issued a Decree of House of Representatives No.VI. year 2000 on the separation function and power of armed forces and police and a Decree of House of Representatives No. VII year 2000 on the role of the army and the role of police. Later on, Parliament and Government continue to issue Act No. 2 year 2002 on the police (January 2009) (Umar, 2009). Since the act No. 2



Year 2002 issued, some police reforms were launched below (Table 2). By using regulative pillar (structural change and legal change), those regulations become regulatory based for police institution to provide inducement to secure compliance. Relational system of new police institution based on Act No. 2/2002 created the new governance system: police under president and separated from the Army with specific mandate for public servant.

In the Fig 1 below, since 1999 Indonesia police organization has develop police organization into the new five provincial units (*POLDA-polisi daerah*), 88 anti terror units, 31 narchotics units, 30 regency/city units and 247 district units. This logic of police organizational development is basically based on the growing number of new autonomy city or regency after 1998. Regency/city police organization (*Polres-polisi resort*) has similar service area with regency/city one.

FIG. 1. THE POLICE ORGANIZATION DEVELOPMENT



Source: Ijzen Nanan Sukarna, Demoratic Policing., SEMINAR FEDERASI KONTRAS-KONTRAS-IOM-PRAXISSESPIMPOL, LEMBANG 28 July 2009.

However, since fifteen years the police reform has been launched, the cultural reform in police organization has been challenged by the public. How do police doing their job and roles as a public servant? Is there any change from military culture to service culture in police institution? Marzuki and Eko (2004) tried to do community survey on police service for local community in Pontianak, West Borneo with 250 respondents. The research found that there was very low public satisfaction on police service. Only 18 percent of respondents from the community state that the police can handle the community reports satisfactorily signified by 18 percent reporting having very good experience. Similar to the previous figure, other data depicts vivid data on unsatisfied public toward the police service since the majority of the public (65.61 %) consider the police as either incapable or bad. Only 7.69 percent of public that feel satisfied with the police service as they regard that the police service is good. Mean, one third of the public (27.69%) see that the police service is just fair.

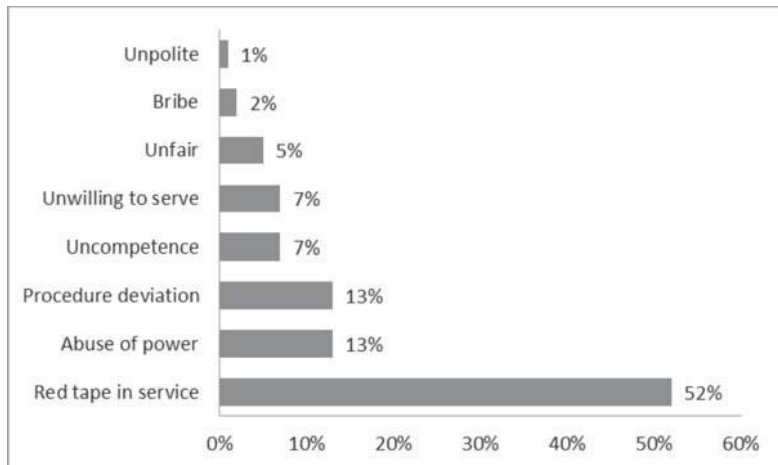
The number of public complaints to Indonesia Ombudsman confirmed the findings of Marzuki and Eko (2004) research above. Although the public complaint to National Ombustmant on police intitution decreased from 26.02% in 2008 to 12,02% in 2013, but the police was the second-consistent rank complained public organization in term of the number of public complaints (see Table 3). In 2011, of 1867 to the Ombudsman, most cases reported by the public is local government service at 671 cases or 35,94%. This fact revealed the similarities with the report to the Ombudsman RI in previous years. While second agency, Police of 325 reports or 17,41% awas also widely reported by the public, folowed by the Court at 178 reports (9,53%), National Land Agency at 165 (8,84%), as well as Ministry of 154 reports (8.25%). In the year 2013, based on the classification of report was three (3) most reported namely maladministration at local government of 2329 reports (45,02%), the police of 654 reports (12,91%), and ministries of 520 reports (10.05%).

TABLE 3. PUBLIC COMPLAINTS TO NATIONAL OMBUSTMAN (%)

REPORTED INSTITUTIONS	2008	2009	2010	2013
Local Government	26,02	24,41	35,94	45,02
Police	24,41	23,28	17,41	12,91
Ministry	8,87	9,54	8,25	10,05
Land Agency	7,5	9,7	8,84	7,06
State Company	5,75		5,68	6,77
Court	10,43	11,8	9,53	4,58
Others	5,65	4,45	4,82	4,56
Attorney	5,07	5,54	4,82	2,46
State Commission	0,49	0,65	0,75	1,86
Bank	0,88	1,21	0,59	1,26
Educational Institution	0,45	0,24	0,59	1,16
Government institutions	1,56	1,13	1,19	1,16
Army	2,34	1,78	1,29	0,56
Local Council				0,54

Source: Indonesia Ombusman Report, [www.ombudsman.go.id](http://www.ombudsman.go.id).

FIG.2. PUBLIC EXPERIENCE ON POLICE SERVICE



Source: Kompas Survey, 8 November 2013

Meanwhile, the public complaint to National Police Commission is 2014 was around 1,036 cases, 75% of those are bad police service, 21% of those were indicated an abuse of power.

The most important findings showed that the criminal detective being the most police reported police institution (949 cases or 70%).

In 2013, Kompas (2013) did survey research on police service. It was not surprisingly that Kompas survey findings was not different with the Marzuku and Eko's (2004) findings. The research findings done by Kompas (2013) from 1000 respondents above confirms that police organization has not follow rules yet that much of behavior in an organization is specified by standard operating procedures. The violations of police rules and regulation done by police officer are common cases found in different level of police office. Figure 4 can figure out the current data on the public satisfaction toward the police service. The public perceive that the police are too bureaucratic (52%) in providing their services. The rest (48%) of the public characterize the police to have negative images including making power abuse, conducting procedure deviation, being incompetence, treating public unfairly, accepting bribery, and behaving unpolitely.

#### **POLICE, CORRUPTION AND ITS RELATION WITH ANTI CORRUPTION AGENCY (*KPK-KOMISI PEMBERANTASAN KORUPSI*)**

One of the normative pillar of institution is *morally governed institution*. How do police institution obey to clean governance values? In this case, we try investigate corruption in police organization. Corruption in police organization has been a hot political issue in Indonesia since democratization era in 1998. In the following description, we try to explore corruption case in police and the dynamic relation between police and Anti-Corruption Agency (KPK) due to the determination of the suspects to high-rank police officer in corruption scandal. A research done by College of Police in 2009 (Table 4), a police school for high rank police officer, revealed that corruption could be found at all levels police or units organization, such as in six police

units namely criminal detective, intelligent security, front office, traffic management, personnel, and logistics (Umar, 2009).

TABLE 4. CORRUPTION IN POLICE ORGANIZATION

NO	DIVISION	DESCRIPTION
1	Criminal Detective	11 types of corruption: deviation of detention procedure, illegal logging detention manipulation, collusion in gambling cases, procedures and loan irregularities use evidence, deviation in publishing a letter of loss of motor vehicles to the requirements of insurance claims, deviation in the handling of drug cases, deviation in the handling of illegal fuel depot, deviation in the process of criminal case investigation, collusion management of prostitution activities, syndicated crime the field of land, and deviation in the investigation of VCD pirated distribution,
2	Security Intelligent	Corruption and Collusion in five types: issuance of entertainmet or sport licence, bribe in issuance Police Report Letter (Surat Keterangan Catatan Kepolisian/ SKCKO, intimidation and bribe in foreign labor, collusion between gambling businessmen and intelliget and malprattice in handling criminal case.
3	Front Office	Police patrol, illegal logging, discrimination on prisoner at their family, community report and complaint, bribe in over weight truck and deviation in export/import.
4	Traffic management	Maladministrartion in traffic accident investigation, maladministration in money guarantee for evidence, maladminisration in traffic accident with the casualties, bribe in driving licence and motor/car tax and traffic law enforcement
5	Personnel	Maladministration in personnel promotion at regency/city police office, promotion for education, selection of low rank police officer, bribe in police education, law enforcement by internal control officer, and health service
6	Logistics	Fuel distribution irregularaties, police owned-land rent, budget process, police housing occupation

Source: Bambang Widodo Umar, Indonesia Police Reform, IDSPS Press, Jakarta, 2009

Buttle J et.al (2015) concluded that the above corruption cases are the distinct nature of Indonesia police, which theory of corruptions are only partially applicable to Indonesia. Illegal logging in national parks is also facilitated by collusive corruption, with government officials, military and police receiving bribes for overlooking these activities (McCarthy 2000). Some district officials claimed they were unable to convict offenders, because of the intervention of the police and military, who were under the

control of the central government (Smith, J, et. al, 2003). The most serious accusation that has been made in connection with the settlement of criminal cases is that the investigating officers can be persuaded to close their eyes to the crime committed and close the case under investigation citing insufficient evidence (to the detriment of the victim). This condition has incited loud protests from the public in high profile cases involving high level corruption (Reksodiputro in Holloway, 2002). In the most cases if the corruption took place at the regency/city police office, police leaders are often ambivalent *vis-à-vis* local corruption prosecutions (Clark, S. 2012).

Police in Indonesia, like many countries, even when not actively abusive, lack a tradition of public service to the community at large, indifference (like neglect, it is another form of unresponsiveness), a lack of dedication, incompetence, venality (petty corruption), extortion: this is more systematic and serious in nature than venality, relying on overt intimidation or actual violence, inconsistency, intimidation, excessive force, brutality (Goldsmith, 2005).

In addition, another anti-corruption body was also established in 2002 named Anti-Corruption Commission (ACA) to fight against big corruption. ACA was successful to bring big corruptors before the law. However, intense conflicts always occur whenever ACA investigates the case of corruptions conducted by police leaders. Three conflicts between police institution and ACA have taken place since ACA's establishment. The first conflict took place in 2009 which was known as a "lizard versus crocodile case". Next, a strong conflict between Police and ACA emerged again when ACA enacted Brigadier General Police Djoko Santoso as the accused in the corruption case. The latest dynamic relation between police and ACA has taken place recently in the case of appointment General Budi Gunawan as the candidate of Indonesian Police leader.

Act No. 30/2002, the statute that established the ACA (KPK), made it institutionally independent of government (art. 3). The

Law authorises the KPK to investigate and prosecute most corruption cases itself and to take over corruption investigations and prosecutions from police and prosecutors in some circumstances (arts 8 and 9). It gives the ACA (KPK) investigative powers that the police lack. These include powers to wire-tap suspects' phones without seeking court approval, to freeze bank accounts and to issue travel bans (art. 12). The Law also prohibits the ACA (KPK) from dropping a case once it has progressed beyond initial investigations – a restriction aimed at preventing prosecutions from being dropped in return for bribes (Fenwick 2008). Ordinary police, prosecutors and judges appear poised to regain the exclusive control over corruption cases that they lost to the ACA (KPK) and the Corruption (Tipikor) Court under the 2002 ACA (KPK) Law (Butt, 2011).

TABLE 5. WEAKENING ANTI-CORRUPTION AGENCY

PERIOD	CHAIRMAN	ATTACK ON ANTI-CORRUPTION AGENCY				
		Decreasing Commission Member	Legal	Criminalization by police	Political Statements	Investigation Burden
2007-2009	Antasari Azhar	■		■		
2009-2010	Tumpak H Pangabean		■		■	
2010-2011	Busyro Muqoddas	■	■			
2011-2015	Abraham Samad		■	■	■	■

Source: Kompas, 24 January 2015

There were some serious attack actions on Anti Corruption Agency (KPK) in Indonesia from 2007 until 2015, namely decreasing Commission Member (should be five members), legal action, criminalization by police, political statements and investigation burden (see Table 4). In Indonesia, the combined mandates that the KPK's investigators and prosecutors be lent from the Attorney General's Office and police, and that they be of

high competence and integrity, leads to an “institutional ‘zero-sum game’... , wherein the KPK draw[s] staff resources away from th[e other] Two organizations (Jacobs, L. G., & Wagner, B. B. (2007).

It is interesting to look at conflict tense of ACA (KPK) and police in 2009, there was the public face-book movement to support the Corruption Eradication Committee, also known as the “Gecko vs. Crocodile” case. This case exemplifies the convergence of participatory culture and civic engagement that resulted in two of the most successful online collective movements in the last decade in Indonesia. The Gecko vs. Crocodile case (or KPK case) started in April 2009 when Susno Duadji, the National Police chief of detectives, found that the ACA (KPK) had tapped his phone while they were investigating a corruption case. Furthermore, Lim (2013) noted that the KPK had indeed armed itself with tools such as warrantless wiretaps to confront the endemic corruption among high rank public officials. In a press conference, Duadji expressed his anger and compared the KPK to *cicak*, a common house gecko, fighting *buaya*, a crocodile, which symbolised the police. In September 2009 two KPK deputy chairmen Chandra Hamzah and Bibit Samad Rianto, who had been suspended in July, were arrested on charges of extortion and bribery (Lim, 2013). The two men denied the charges, saying they were being framed to weaken the ACA (KPK). Most Indonesians perceived these charges as fabricated ones; some showed their support through an online campaign. In July 2009 immediately after the case against KPK appeared in the mainstream media, especially television, Movement of 1,000,000 Facebookers Supporting Chandra Hamzah & Bibit Samad Riyanto) was launched (Lim, 2013). By August 2009, the group had surpassed its goal of one million members in support of Bibit and Chandra. That particular Facebook support page was not the only one. YouTube videos about the case quickly emerged, including one with a Javanese rap song that was also distributed as a downloadable ring-tone. Online cartoons, comics and posters with depictions



of “gecko vs. crocodile” soon proliferated online. When the Indonesian Corruption Watch organized a street rally online, 5,000 people showed up on the streets of Jakarta showing support for “the gecko.” This was followed by demonstrations in several other cities in support of the two men. On December 3, 2009, this public pressure saw charges against Bibit and Chandra dropped (Lim, 2013).

In the latest conflict between ACA and police happened when Joko Widodo proposed Budi Gunawan as a Police Chief to National Parliament After that, in January, the ACA (KPK) named Budi a suspect for alleged financial misdeeds in his capacity as head of the Career Development Bureau at the National Police from 2004 to 2006, where he amassed a total of Rp 95 billion, allegedly acquired through bribes and gratuities, including bribes allegedly paid by officers in pursuit of higher police posts. Following the ACA (KPK)’s move, the police moved against two KPK commissioners, Abraham Samad and Bambang Widjojanto, by naming them suspects in petty criminal cases (Jakarta Post, 5/20/2015). After a month-long standoff, the KPK passed its probe into Budi onto the Attorney General’s Office (AGO), which then allowed the police to take it over. The chairman of the independent team tasked to resolve tensions between the National Police and the Corruption Eradication Commission (KPK), Ahmad Syafii Maarif, urged President Joko “Jokowi” Widodo to fire detective division chief Comr. Gen. Budi Waseso, whom Maarif described as the most responsible person behind the criminalization of those who are critical of the police (Jakartapost, 9/3/2015). In summary, by analysing conflict between police and ACA (KPK) from 2006 till 2015, police governance system created mutual agreement in within police organization whenever the conflict with ACA (KPK) happened, by legitimate hierarchical authority or by non legitimate coercive means (Scott, 2009). Post the establishment of KPK, the cases were handled by Police and Public Prosecutor have completed quicker by 49 percent in comparison to those

were dealt prior the establishment of KPK (Partohap, T. H., & Pradipto, R., 2015).

Formal institutions as rules are readily observable through written documents or rules that are determined and executed through formal position, such as authority. In Indonesia, the corruption cases were handled by three legal institutions: Police, ACA and Prosecutor. Every institution seizes its authorities that are regulated by the law. This paper focuses to discuss two institutions only, namely, Police and ACA, since when these two institutions imposed their authorities; they produce various tensions, constraints, and disagreement in implementing their authorities.

In the article 14 paragraph (1) point Law No. 2, 2002 about Indonesian National Police states that the main function of Police is *to conduct investigation and indictment towards all legal offenses* in ACA accordance to criminal procedure acts and other laws. This main function of ACA in Criminal Procedure Acts (CPA) Article 6 paragraph (1) CPA states that investigator are Indonesian Police officers and Civil servants with special authorities granted by law. Meanwhile, Article 6 point c Law no. 30, 2002 about Anti-Corruption Acts (ACA) mentions that the functions of ACA are to conduct investigation and prosecution towards corruption crimes. And Article 11 point c gives a limitation that ACA can only investigate and prosecute corruption crimes that cause the state loss at least 1 billion Indonesian Rupiah (IDR).

Ferawati (2013) argued that the regulations on functions and authorities of ACA and Police in Law No. 30, 2002 about ACA and Law No. 2, 2002 about Indonesian National Police are overlapping with the reasons that various explicit functions and authorities in these Laws are just a kind of formality. It is because, in fact, instead of creating working harmony and synergy in eradication corruption in Indonesia, these laws have become effective coordination segregation tools between Police and ACA. Tatuil (2013) said that the ways to overcome the disputes on the investigation authority between two state institutions, ACA and Po-

lice, based on Article 50 Law No. 30, 2002, include:

1. When a corruption case is found out and the KPK has not commenced its indictment process, while the case is being indicted by the Police or the Prosecutor's Office, that institution is obliged to inform the KPK at the latest fourteen days since the commencement of the indictment process.
2. An indictment process being conducted by the Police or the Prosecutor's Office as outlined in (1) must be coordinated continuously with the KPK.
3. When the KPK has already commenced its indictment process, the Police or the Prosecutor's Office no longer has the authority to conduct an indictment process.
4. When an indictment process is being conducted concurrently by the Police and/or the Prosecutor's Office and the KPK, the process conducted by the Police or the Prosecutor's Office shall cease immediately.

Informal institution constitutes rules based on implicit understandings, being in most socially derived parts and therefore it is not ACA accessible through written documents or it is necessarily sanctioned through formal position. Informal institutions include coordination and Supervision. There are some informal institutional problems that become the root of disharmonious relation between ACA and Police in eradicating corruption in Indonesia. The problems include not solid coordination patterns to work in team between the institutions and egocentric issues that exist in the institutions (Ferawati, 2013). ACA hold a wide range of authorities to coordinate with other authorized institutions to fight against corruption. Article 6 point a Law No. 30, 2002 mentions that ACA retains coordination function with other authorized institutions to eradicate corruption.

ACA should optimally implement coordination and supervision functions (see Table 5) with both legal institutions (Police and Prosecutor) and governmental functional supervisory institutions (Inspectorate General, the Finance and Development

Comptroller, and Local Auditing Agency) Nugroho (2013). To be more specific, ACA should focus to coordinate and supervise in processing the corruption crime with Police and Prosecutor. Nugroho (2013) found that the coordination and supervision functions of ACA as enacted in Article 6 point a and b Law No. 30, 2002 has been implemented and even getting better from year to year. However, investigators from attorney institution and Police in Central Java mentioned that functions of coordination and supervision of ACA are not properly accomplished yet. ACA only undertakes coordination and supervision functions when ACA obtains reports from the society. Next, the constraints faced by ACA to perform its coordination and supervision functions in local level lay on legal factor, legal officer factor, and facilities factors. ACA encounters human resources shortages to accomplish its corruption indictment coordination and supervision functions. Consequently, the main task to cover coordination and supervision functions all over Indonesian regions is not optimally undertaken.

Other than coordination and supervision issues, a fundamental problem in terms of informal institutional constraints is institutional egoism, that is, in handling the corruption case, officers from every institution tend to protect their corruption-suspected colleagues to save the name of their institutional corps. One of the instances is the corruption case of driving license simulator. In this case, ACA had made early indictment and named the suspect Inspector General Joko Susilo. Soon, Police name three other suspects in this case. In the indictment process in this corruption case, Police refers to the MoU signed by Police, ACA and Attorney on March 29 2012. Article 8 point 1 in the MoU mentions, "When some parties make indictment in the same case, to avoid investigation duplications, the institution that is obliged to proceed the investigation is the institution that issues the letter of order for investigation or a party under approval of other related parties."

Rachnaningsih (2013) stated that MoU signed by Police, ACA

and Prosecutor contains article that is in contradictory with the Law about ACA. Therefore, based on Civil Procedure Act the MoU was null and void. It is null and void because any agreement should be in contradiction with the existing and binding Law. As a result, Police could not use MoU as the basis for indictment in the case of Driving License Simulator. Besides null and void, the case had named Insp. General Djoko Susilo, a police personnel, as the suspect. As regulated in Article 11 point a Anti-Corruption Law, when Corruption case involve a legal apparatus, ACA is the right institution to undergo an indictment process. Moreover, if the corruption is more than 1 billion, it is the authority of ACA to administer an indictment process. In this respect, the corruption case of Driving License Simulator reached an amount of IDR 198,7 billion.

The dynamic relations between Police and ACA can be analyzed from the perspective of new intuitionism. In this light, institutional changes and reforms to eradicate corruption can be comprehensively seen from both formal and informal institutional aspects. Formal institutions need to perform various regulation revisions so that the overlapping regulations that accommodate the overlapping authorities of Police and ACA can be eliminated. Ferawati (2013) argued that Indonesian Police Law no 2, 2002, specifically article 13-19, should be revised. These articles regulate functions and authorities of Police as legal enforcer. However, when an in-depth scientific study on these articles is conducted, many articles are not in line with them. For instance, article 13-19 are not compatible with article 6 - 7 Law No 30, 2002 about Anti-Corruption Commission and its preamble, article 103 of Criminal Code. Thus, Law on Indonesian Police cannot be harmonized with existing specific criminal law especially ACA law in terms of indictment processes. It seems necessary to mention the clear cut of the police task in the indictment functions that deals a specific crime, moreover, when such a specific crime has been regulated separately. Revision focuses can be addressed to article 13 - 19 Law No. 2, 2002 about

Indonesian Police to add the provision on functions and authorities of Police to handle specific criminal cases like corruption cases. This comprises the strategy to minimize the future relational collision between police and ACA. Informal institutional reforms require agreements that emphasizes on strengthening professionalism culture, nurturing mutual respect, and reducing institutional egoism. Such agreements are demanded when enforcing the law to the legal enforcer apparatus.

Based on the above understanding, we hypothesize that the current institutional status quo (S) and its relative position to the idealized institutional setting (I) should constrain the possibility of reform space (R) and incentivize certain reform strategies (Fig 6), such as decoupling.

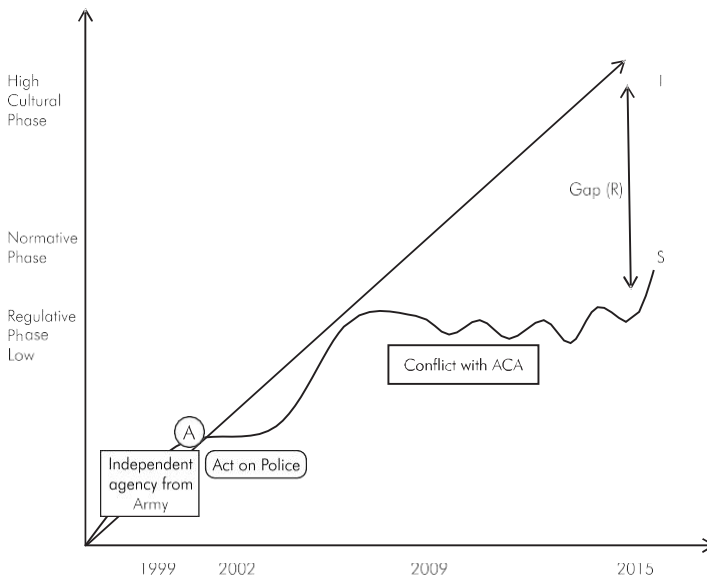


FIG. 3. INSTITUTIONAL CONTEXTS AND HYPOTHESES OF REFORM STRATEGIES OF POLICE

Fig 3. conceptualizes this idea of institutional gaps. The three pillars of institution discussed above are represented in the three axes in the diagram. The space, R, outlined as the area of AIS, represents the ideal characteristics of reform based on reliable

and valid data collection (process), a social obligation, morally governed, shame and honor (normative pillar) and constraints of executive power and good check and balance mechanisms to prevent frauds and abuse (power) (regulative pillar).

In order to fill the gap (AIS), police leadership at all level unit is very important factor to encourage police reform. This leadership has leadership characteristics, such as the charisma of the reform leaders as a figure example (humble and honest) their ability to articulate a clear vision for others to follow, and their ability to connect with other key stakeholders to mobilize their support, are very important and can alter the institutional landscape and release the constraining forces (see Ho and Im, 2013). The second variable is citizen powers that allow citizens to express their opinions and frustration, and the legal rights to protect their freedom of speech through the media, such as in case of *Gecko vs. Crocodile* and the Budi Gunawan Budi failed as the chief of national police.

The third variable is police reform is affected by the establishment of ACA (KPK) due to the competition among the law enforcement agencies in combating corruption. The results show that both Police and Public Prosecutor have managed to reduce the length of period of judiciary process for corruption cases since the establishment of the ACA (KPK) (Partohap, T. H., & Pradiptyo, R. (2015).

## CONCLUSION

In sum, the Indonesia's police reform is still at below of normative phase of institutionalism. Police practices are not institutionalized yet they are not infused with value beyond the technical task requirements, and are embedded with rituals and norms. Trust in the police does not only concern advancing cooperation and compliance with the law lack of trust in the police is also likely to undermine many people's sense of safety and ultimately their subjective well (Tomassen, G, 2013). In addition to building trust, ways of institutionalizing distrust are needed. The

problem is more of an institutional and societal problem than an individual and group problem (Kumssa, A. 2015). The significant and sustainable reform was achieved in East Germany, Eastern Slavonia, El Salvador, Mozambique, Namibia, Northern Ireland and South Africa (Bayley, D. H. 2001). Those successfully reforms were affected by the reform with considering the personal and institutional interests, a evidence-based policing that involves developing a new management style as well as reliable information systems (Bayley, D. H. 2001). By analyzing conflict between ACA and police, paper summarizes that the dynamic relational problems between ACA and police embody many constraints. The constraints derive from formal institutional aspects due to the existing overlapping authorities of each institution. In addition, the constraints are also rooted in informal institutional aspects signified by the shortages of effective coordination and supervision as well as the strong institutional egoism in enforcing the law to fight against corruption in Indonesia

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