



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 19/PUU-XXIII/2025

Concerning

**Equating the Term of Office of the Chief of the National Police
of the Republic of Indonesia with the Term of Office of the Cabinet/Ministers**

Petitioners	: Syukur Destieli Gulo, et al.
Type of Case	: Judicial Review of Law Number 2 of 2002 concerning National Police of the Republic of Indonesia (Law 2/2002) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Judicial Review of Article 11 paragraph (2) and Elucidation Article 11 paragraph (2) of Law 2/2002 as they are assumed to be contrary to the 1945 Constitution of the Republic of Indonesia
Verdict	: To dismiss the Petitioners' petition in its entirety
Date of Decision	: Thursday, November 13, 2025
Overview of Decision	:

The Petitioners are individual Indonesian citizens who are part of Indonesian society who require the proper implementation of the functions of the Indonesian National Police. The Law *a quo* does not clearly regulate the term of office of the Chief of Police, and therefore has caused a constitutional loss in the form of the invalidity of the current Chief of Police's position so that the function of the Police as protector, guardian and servant of the community cannot be carried out properly by the Petitioners.

With respect to the Court's authority, because the Petitioners petition for a material review of the law, *in casu* Article 11 paragraph (2) and Elucidation of Article 11 paragraph (2) of Law 2/2002 against Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

With respect to the legal standing of the Petitioners, the Court is of the opinion that Petitioner I, Petitioner II and Petitioner III have been able to specifically describe their constitutional rights guaranteed in the 1945 Constitution of the Republic of Indonesia, which in their opinion are actually or at least potentially violated by the enactment of the norm being petitioned for review. Therefore, there is a causal relationship (*causal verband*) between the assumption of loss of constitutional rights of Petitioner I, Petitioner II, and Petitioner III and the enactment of the statutory norm being petitioned for review. Accordingly, if the petition of Petitioner I, Petitioner II and Petitioner III is granted, the assumption of loss of constitutional rights as described will not or will no longer occur. Therefore, regardless of whether or not the unconstitutionality of the norm of Article 11 paragraph (2) and Elucidation of Article 11 paragraph (2) of Law 2/2002 is proven, the

Court is of the opinion that Petitioner I, Petitioner II and Petitioner III (hereinafter referred to as the Petitioners) have the legal standing to act as Petitioners in the petition *a quo*.

Whereas the Petitioners submitted a petition for preliminary injunction which in essence requested the Court to make the petition *a quo* as a priority for examination in the Court because it is related to legal certainty regarding the right to obtain protection, care and services from the Police, on the grounds that, according to the Petitioners, the current Chief of Police lacks legal validity. With respect to the SAID petition for preliminary injunction, even though the norm *a quo* has previously been submitted for review, but in order to obtain a comprehensive explanation regarding the constitutional issues raised by the Petitioners, the Court needs to hear the statements from the parties as referred to in Article 54 of the Constitutional Court Law. Therefore, within the limits of reasonable reasoning, there is a need to hear statements from the said parties in an evidentiary hearing, rather than proceeding without hearing from them as intended in Article 54 of the Constitutional Court Law. Due to the existence of the aforementioned need, the Petitioner's petition for preliminary injunction cannot be justified and must therefore be declared legally unjustifiable.

The constitutionality issue of the norm that must be answered by the Court in this petition is whether the term of office of the Chief of Police must end at the same time as the end of the President's term of office as stated in the construction of *petitum* number 2 letter a and letter b.

Whereas in the discussion of Bill 2/2002 there was a proposal to add the phrase "at the same level as the ministers". However, with the absence of the phrase "at the same level as the ministers" for the position of Chief of Police in Law 2/2002, there is no doubt that the desire to place the Chief of Police at the same level as the ministers was rejected by the lawmakers. In fact, the makers of Law 2/2002 preferred to emphasize that the Chief of Police is a high-ranking officer who is still active. This can be seen in Article 11 paragraph (6) of Law 2/2002 and its elucidation.

Pursuant to the description above, by not including the phrase "at the same level as the ministers" in Law 2/2002, the Court is of the opinion that the makers of Law 2/2002 have interpreted the placement of the position of the Police in the state system in accordance with the 1945 Constitution of the Republic of Indonesia. However, by giving a label of "at the same level as the ministers," the President's political interests will be dominant in determining the Chief of Police. In fact, constitutionally, Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia *expressis verbis* stating that the Police are a state apparatus. As a state apparatus, the Indonesian National Police must be able to place maintaining public security and order and enforcing the law above the interests of all groups, including the interests of the President. This means that by positioning the position of the Chief of Police at the same level as the ministers, the Chief of Police automatically becomes a member of the cabinet, which clearly has the potential to reduce the position of the Police as a state apparatus.

By linking the foregoing description to the Petitioners' petition, namely the reasons for proposing the appointment and dismissal of the Chief of Police, including the alignment of the end of the President's term of office with a single period together with the terms of office of cabinet members, and the dismissal of the Chief of Police during such term by the President with the approval of the House of Representatives, the Court is of the opinion that such a request, within reasonable limits of reasoning, would shift the position of the Chief of Police to that of a cabinet member. In fact, as emphasized above, any steps or efforts to shift the position of the Chief of Police in such a manner are not in line with the existence of the Police as a state apparatus, as stipulated in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia. the Court is of the opinion that the position of Chief of Police is a professional career position that has a term-of-office limit, but is not determined periodically and does not automatically end at

the same time as the expiration of the President's term of office. his means that the position of Chief of Police is subject to a time limit and may be dismissed at any time based on the President's evaluation, in accordance with statutory regulations.

Pursuant to all the descriptions of the legal considerations above, the Court is of the opinion that with respect to the norms of Article 11 paragraph (2) and the Elucidation of Article 11 paragraph (2) of Law 2/2002, it has been proven that they do not give rise to legal uncertainty and they have provided a guarantee of legal protection as guaranteed in Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

Accordingly, the Court subsequently passed down a decision, the verdict of which states:

On Preliminary Injunction:

To dismiss the Petitioners' petition for preliminary injunction

On the Merits:

To dismiss the Petitioners' petition in its entirety.