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Legal Analysis of the Term Limitation for the Chief of the Republic of Indonesia National Police (Kapolri)

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Abstract

Term limits are an important instrument in limiting the power of public officials in a state governed by the rule of law. This study aims to analyze the provisions on term limits for the Chief of the Indonesian National Police (Kapolri) and the legal implications of the absence of norms explicitly regulating such terms. This study employs a normative legal research method, drawing on statutory and conceptual approaches. The analysis was conducted on the provisions of the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2002 concerning the Indonesian National Police as last amended by Law Number 5 of 2026, as well as the concepts of legal certainty and limitations of power. The results of the study indicate that positive law has regulated the position, authority, appointment, dismissal, supervision, and retirement age limit for members of the Indonesian National Police, but has not yet determined the term of office, periodization, or maximum term for holding the position of Kapolri. The retirement age limit cannot be equated with the term of office because they serve different regulatory objectives. The absence of these temporal limitations has implications for legal certainty, limits on power, checks and balances, accountability, and the regeneration of the Indonesian National Police leadership. However, this situation does not automatically invalidate the appointment or authority of the Chief of Police. Therefore, a reconstruction of the tenure arrangements is necessary that is objective, measurable, and still ensures the independence and accountability of the National Police.

Keywords: Term of Office; Chief of Police; Limitation of Power.

INTRODUCTION

The limitation of power is one of the fundamental principles of a state based on the rule of law. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state based on the rule of law, which implies that state power cannot be exercised without limits. The power granted to public

officials is essentially an authority derived from law. It must be used to achieve the goals of state administration, not as a source of personal power that can last indefinitely. Therefore, a mechanism is needed to limit the use of power while preventing its concentration in a single position. This limitation can be implemented through the division of authority, oversight

mechanisms, accountability measures, or restrictions on how long a person can hold a position. From the perspective of the theory of the limitation of power, term limits play an important role because they impose clear temporal limits on the use of power, so that power is limited not only by the scope of authority but also by time (Wutsqah & Erham, 2024).

Term limits are ultimately part of an effort to ensure that power remains within the law and can be accounted for. Term limits are very important, especially for public positions with strategic authority in security and law enforcement, such as the police institution. As stipulated in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, the Republic of Indonesia National Police (Polri) is a state instrument that has a constitutional mandate to maintain public security and order, tasked with protecting, serving, serving the community, and enforcing the law. This constitutional position is then explained in Article 5 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police, which positions the Republic of Indonesia National Police as a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, shelter, and service to the community. This position shows that the Republic of Indonesia National Police is not only a government organization that carries out administrative functions, but is a state institution that exercises power in the field of security and law enforcement. (Erham et al., 2024) .

As a strategic institution, the Indonesian National Police carries out police functions directly under its Chief. The heavy duties of the Chief of the Indonesian National Police are not only related to the internal management of the police organization but also to the nationwide implementation of police functions. This is reflected in Article 9 of Law Number 5 of 2026 concerning the Third Amendment to Law Number 2 of 2002 concerning the Indonesian National Police, which emphasizes that the Chief of the Indonesian National Police leads the Indonesian National Police and is responsible for the implementation of police operational activities, fostering the capabilities of the Indonesian National Police, as well as planning, procurement, maintenance, and repair of special material equipment within the Indonesian National Police. The breadth of authority and responsibility indicates that the position of the Chief of the Indonesian National Police has a significant position in the implementation of security and law enforcement, so that the implementation of his authority needs to be accompanied by clear legal limitations, including regarding the length of time a person can hold the position (Wachid & Faniyah, 2026).

The appointment and dismissal of the Chief of the Indonesian National Police, as stipulated in Article 11 of Law Number 2 of 2002 concerning the Indonesian National Police, is carried out through appointment and dismissal by the President with the approval of the People's Representative Council of the Republic of Indonesia. This provision provides a legal basis for the mechanism for filling and terminating the position and reflects the involvement of two state institutions in implementing checks and balances. However, the provisions regarding the appointment and dismissal are not accompanied by provisions regarding the term of office. Law Number 2 of 2002 does not explicitly stipulate the term of office, term limits, or periodization for a person to hold the position of Chief of the Indonesian National Police. The absence of these provisions should be distinguished from the provisions on the retirement age limit for members of the Indonesian National Police, as the retirement age limit concerns the end of a person's

official status as a member of the Indonesian National Police. In contrast, the term of office refers to the period during which the authority inherent in the position of Chief of the Indonesian National Police is exercised. Thus, there is a lack of regulations on temporal limits that specifically restrict the term of office of the Chief of the Indonesian National Police (Muklis & Ahda, 2023).

In the new revision of the police law, through Law Number 5 of 2026 concerning the Third Amendment to Law Number 2 of 2002 concerning the Indonesian National Police, the term of office of the Chief of the Indonesian National Police is not addressed at all in the amendment. The amendment only regulates institutional aspects, official duties, retirement age limits, placement of members of the Indonesian National Police outside the Indonesian National Police organization, and other regulations. However, it does not provide regulations on the term of office of the Chief of the Indonesian National Police. This means that even though there has been an update to the law that underpins the organization of the Indonesian National Police, the duration of service as Chief of the Indonesian National Police still lacks a clear normative limit (Arsyalik et al., 2026).

From the perspective of a state based on the rule of law, the absence of regulations on the term of office of the Chief of the Indonesian National Police raises legal issues regarding legal certainty and the limitation of power. The authority inherent in the position of Chief of the Indonesian National Police is a public authority whose exercise must be based on law and be limited by norms that provide clear measures and boundaries. From the perspective of Gustav Radbruch's Theory of Legal Certainty, the law must provide certainty regarding what is permitted, required, and prohibited, so that legal subjects can clearly understand the legal consequences of a situation. In the context of public office, legal certainty also requires clarity regarding the validity period of an authority. When Law Number 2 of 2002 does not specify the term, periodization, or maximum limit of the term of office of the Chief of the Indonesian National Police, there are no normative parameters that explicitly determine the duration of that authority. Thus, the absence of a norm regarding the term of office has the potential to create uncertainty regarding the temporal limits of the Chief of the Indonesian National Police's tenure (Manullang, 2017).

In addition to the issue of legal certainty, the absence of term limits is also related to the principle of limiting power. Jimly Asshiddiqie's Theory of Limiting Power posits that power limitations are a consequence of the principles of the rule of law and constitutional governance. State power must be limited by law to prevent its concentration and uncontrolled use. These limitations can be implemented through restrictions on authority, the division of power, oversight mechanisms, and term limits. In the context of the Chief of the Indonesian National Police, regulations regarding appointment, dismissal, supervision, and accountability constitute institutional limitations but do not automatically constitute temporal limitations unless the law specifies a time limit for an individual to hold the position. Therefore, the absence of norms specifying the term of office for the Chief of the Indonesian National Police raises questions about the adequacy of legal instruments to limit continuity of power in a position with strategic authority in the fields of security and law enforcement (Asshiddiqie, 2021).

Based on this, the issue of term limits for the Chief of the Indonesian National Police cannot be viewed solely as an

administrative matter of replacing officials, but rather as a legal issue concerning the limitation of public power in a state governed by the rule of law. Therefore, this study aims to analyze, first, how the term limits for the Chief of the Indonesian National Police are regulated, and, second, the legal implications of the absence of such a norm.

RESEARCH METHODS

This research uses normative legal research, namely research that treats law as a norm and examines the provisions of laws and regulations, legal principles, doctrines, and legal concepts related to the limitation of the term of office of the Chief of the Indonesian National Police. This research is prescriptive because it not only describes the regulations governing the position of the Chief of the Indonesian National Police, but also analyzes and provides legal arguments regarding the absence of regulations on the term of office of the Chief of the Indonesian National Police in positive Indonesian law. (Ali, 2021).

The approaches used include the statutory and conceptual approaches. The statutory approach is used to examine the provisions of the 1945 Constitution of the Republic of Indonesia, Law Number 2 of 2002 concerning the Indonesian National Police, as last amended by Law Number 5 of 2026 concerning the Third Amendment to Law Number 2 of 2002 concerning the Indonesian National Police, as well as other laws and regulations relevant to the position, appointment, dismissal, and term of office of the Chief of the Indonesian National Police. The conceptual approach is used to analyze the concepts of legal certainty and the limitation of power as a basis for assessing the absence of regulations on the term of office of the Chief of the Indonesian National Police (Rahayu et al., 2020).

RESULTS AND DISCUSSION

A. Regulations Concerning the Limitation of the Term of Office of the Chief of the Republic of Indonesia National Police (Chief of the Republic of Indonesia National Police)

The Indonesian National Police is a state apparatus constitutionally vested with a strategic role in the administration of the state. Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia positions the Indonesian National Police as an institution responsible for maintaining public security and order, protecting, serving, and enforcing the law. This position is further elaborated in Article 5 of Law Number 2 of 2002 concerning the Indonesian National Police. The functional character that is directly related to security, order, and law enforcement makes the leadership structure of the Indonesian National Police hold an important position in the implementation of state power. (Sobirin, 2026).

In this structure, the Chief of the Indonesian National Police is the highest police leader. Article 9 of Law Number 5 of 2026 concerning the Third Amendment to Law Number 2 of 2002 concerning the Police affirms that the Chief of the Indonesian National Police establishes, implements, and controls technical police policies and leads the police in carrying out operational activities, capacity building, and planning, procurement, maintenance, and repair of special material equipment. The 2026 amendments clarify the scope of responsibilities of the Chief of the Indonesian National Police, so that the position is not merely

administrative but serves as a control center for the implementation of police functions nationwide.

The position of the Chief of the Republic of Indonesia National Police, as the holder of public authority, falls within the principles of a state based on law as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The authority of the Chief of the Republic of Indonesia National Police is derived from law. It is exercised in the public interest, so its implementation must be subject to the principles of legality, accountability, proportionality, and supervision. The broader the authority granted to a public office, the more important it is to have legal instruments that limit the implementation of that power. Restrictions are necessary not only on the content of the authority but also on the manner and time in which the authority is exercised (Kaharuddin et al., 2026).

Normatively, the regulation on the Chief of the Indonesian National Police provides a mechanism for filling the position under Article 11 of Law Number 2 of 2002. The Chief of the Indonesian National Police is appointed and dismissed by the President with the approval of the House of Representatives. The President submits a proposal for appointment or dismissal to the House of Representatives, and the House approves or rejects it within a period determined by law. This structure demonstrates the existence of a checks-and-balances mechanism in filling and terminating the position of Chief of the Indonesian National Police, because the President's authority is not exercised unilaterally. The appointment and dismissal mechanism constitutes a form of institutional limitation of power, but is not identical to a term limit. Appointment determines how a person obtains a position, while dismissal determines the circumstances under which the position ends. The term of office serves a different function, as it determines the length of time a person is normatively authorized to exercise authority in a particular position. Therefore, the existence of appointment and dismissal procedures cannot be used as a basis for concluding that there has been a temporal limitation on the position of the Chief of the Indonesian National Police (Ismoyo et al., 2025).

This difference becomes even clearer when linked to the retirement age limit. Law Number 5 of 2026 stipulates that members of the Indonesian National Police are, in principle, honorably discharged upon reaching the retirement age, with different retirement age requirements depending on rank. For four-star high-ranking officers, the retirement age limit is set at 60 years and may be extended by up to 1 year under a Presidential Decree. This regulation is oriented towards the end of a person's official status as a member of the Indonesian National Police, not towards the length of time someone has held the position of Chief of the Indonesian National Police. Conceptually, the retirement age limit and the term of office have different regulatory objectives. The retirement age limit addresses how long someone can maintain their official status as a member of the Indonesian National Police. At the same time, the term of office determines how long someone exercises authority in a particular position. An official may resign from office before reaching retirement age due to the expiration of their term or for other legitimate grounds for dismissal. Conversely, someone can reach retirement age without ever having an explicitly determined term of office. Because of these differences in objectives, the retirement age limit cannot be treated as a substitute for the term-of-office norm.

A review of Law Number 2 of 2002 and its most recent amendment, Law Number 5 of 2026, shows that the regulation of the Chief of the Indonesian National Police focuses on the position, authority, appointment, dismissal, and official status. Article 9 regulates the position and responsibilities of the Chief of the Indonesian National Police, while Article 11 regulates appointment and dismissal. The 2026 amendment also strengthens oversight, professionalism, transparency, accountability, and the retirement age limit for the Indonesian National Police. However, there are no norms that explicitly stipulate the length of a Chief of the Indonesian National Police's term, the number of terms an individual may hold, or the overall maximum number of terms. This situation indicates a legal vacuum regarding the temporal aspects of the position of Chief of the Indonesian National Police. A legal vacuum in this context does not mean that all aspects of the position of Chief of the Indonesian National Police are unregulated. On the contrary, there are several relatively comprehensive norms regarding the structure, duties, authority, appointment, dismissal, and supervision. The vacuum lies in the absence of norms that set time parameters for the continuation of an individual's tenure as Chief of the Indonesian National Police.

When examined through the lens of the theory of the limitation of power, Jimly Asshiddiqie argues that limiting the term of office is one of the main principles of modern constitutionalism, or limited government. The constitution and law not only provide legitimacy to state power but also determine its limits, so that power does not become absolute. From this perspective, limiting power can be done through restrictions on the material of authority, inter-institutional relations, oversight mechanisms, and time limits. This view is in line with the thinking of Sri Soemantri, who distinguishes between restrictions on power and restrictions on content and time. Restrictions on content relate to the duties, authorities, and rights inherent in a position, while restrictions on time relate to how long a person can hold a position and how many times they can hold that position. This framework is relevant to the Chief of the Indonesian National Police because positive law has imposed restrictions on the scope of authority and established oversight and appointment mechanisms, but has not imposed strict limits on the duration of personal power in that position (Usman et al., 2026).

Temporal limitations have an important function in preventing the concentration of power. Afan Gaffar emphasized the necessity of term limits on power so that those in power always recognize that the power they receive is a mandate that must be accounted for. Jimly Asshiddiqie also emphasized the importance of regular leadership changes to maintain a regular rotation of power and prevent the concentration of power for too long in the hands of certain individuals. This view demonstrates that term limits are not merely an administrative issue, but rather part of the constitutional design for controlling power. In the context of the Chief of the Indonesian National Police, temporal restrictions have special significance because the position controls an institution with authority over law enforcement, security, order, investigation, inquiry, and other police functions. Law Number 5 of 2026 further expands and emphasizes several duties of the Indonesian National Police, including handling cybercrime, as well as strengthening the oversight system through the inspectorate function, investigative supervision, professionalism, and security. Strengthening the authority and structure of oversight underscores the importance of designing a comprehensive limitation of power, including time-based restrictions (Karso, 2026).

The lack of a term-of-office norm also raises concerns about legal certainty. Gustav Radbruch stated that legal certainty not only requires clarity regarding who holds authority and what officials can do, but also requires certainty regarding when that authority ends under normal circumstances. If the end of office depends solely on dismissal, a personal request, certain circumstances, or reaching retirement age, there is no temporal parameter that objectively determines the end of a leadership period. This condition can create uncertainty about the limits of the continuity of personal power in the position of Chief of the Indonesian National Police. This vacuum needs to be distinguished from a legal vacuum, which means the complete absence of rules. For the Chief of the Indonesian National Police, norms governing the position are in place. However, certain aspects remain unaddressed, namely the duration and periodization of the position. Doctrinally, this situation is more accurately understood as a normative vacuum or lacuna in the law regarding temporal limitations. This vacuum is specific because the law regulates the structure of the position and the mechanism for its termination, but has not yet provided norms governing the normal term limits of the position. Therefore, the problem is not a complete absence of law, but rather the incompleteness of the law in building a system of limiting power (Apaut, 2026).

Based on this construction, it can be emphasized that Indonesian positive law has provided for limitations on the power of the Chief of the Indonesian National Police through limitations on authority, appointment and dismissal mechanisms, institutional oversight, and retirement age limits. These instruments have not yet established independent temporal limitations because there are no provisions regarding the term of office, periodization, the number of periods, or the maximum term for holding the position of Chief of the Indonesian National Police. This vacancy has become a constitutional issue because the position of Chief of the Indonesian National Police is a public office with strategic authority that should be exercised within the framework of limited government, legal certainty, accountability, and the prevention of the concentration of power.

B. Legal Implications of the Absence of Regulations Concerning Limitations on the Term of Office of the Chief of the Republic of Indonesia National Police (Kapolri)

The absence of regulations on term limits for the Chief of the Indonesian National Police is a normative issue that needs to be examined within the framework of a state governed by law, particularly with respect to legal certainty and the limitation of power. In a state governed by law, every exercise of government power must have a clear legal basis, including the source of authority, its limits, and the conditions that determine its termination. Legal certainty relates not only to clarity regarding who is authorized to hold a position, but also to certainty regarding the duration of that authority. Therefore, the existence of norms governing the temporal limits of a public office is crucial to ensuring that power does not proceed without adequate legal parameters.

From the perspective of Gustav Radbruch's theory of legal certainty, the law must provide certainty as one of the basic values that must be realized in state administration. Legal certainty requires rules that provide clear guidelines for the public and state administrators on what is permitted, required, and limited by law. If a public office does not have a clear time limit for its

continuation, there is uncertainty about when the official's authority should end. In the context of the position of Chief of the Indonesian National Police, the issue is not solely about the legality or invalidity of an individual's appointment as Chief of the Indonesian National Police, but rather the lack of normative parameters that clearly determine the temporal limit of the continuation of the office (Adiansyah et al., 2026).

The absence of term limits is also closely related to the principle of limiting power. In a democratic state governed by the rule of law, power cannot be allowed to continue indefinitely, as any power has the potential to be abused without a mechanism of control. Limiting power is achieved not only by restricting the scope of an official's authority but also by limiting the time a person can hold a position. Thus, there is a difference between limiting authority and limiting the duration of power. A Chief of the Indonesian National Police may have authority that has been limited by law. However, if there is no clear temporal limit to the duration of his term, then the aspect of limiting power in terms of time has not been optimally regulated (Simanjuntak et al., 2026).

Within the framework of power limitation developed by Jimly Asshiddiqie, state power must be limited and controlled through legal and institutional mechanisms to prevent it from becoming absolute. Appointment, dismissal, supervision, and accountability are important forms of institutional limitation. However, the existence of these mechanisms does not necessarily eliminate the need for temporal limitations. A position that can continue as long as the official in question has not been dismissed or has not met certain conditions can create significant dependence on political decisions regarding its continuation. Therefore, term limits can be seen as an additional instrument to ensure that power remains within the law and is not overly centralized in the will of a single party (Junaedi & Sh, 2025).

This issue becomes even more relevant when linked to the principle of checks and balances in filling the position of National Police Chief. The legal structure that places the President as the party who proposes or appoints the Chief of the National Police of the Republic of Indonesia, with the involvement of the House of Representatives (DPR), demonstrates the existence of a control mechanism over the President's authority in determining the official who will lead the police institution. DPR approval is essentially a form of oversight of the position-filling process. However, control over who can occupy the position is not identical to control over how long someone can retain their position. In other words, the checks and balances mechanism at the appointment stage does not fully address the issue when the continuity of the term of office lacks a clear temporal limit (Fatimah et al., 2025).

The absence of a term limit can create gaps in the system of checks and balances, as the National Police Chief's tenure is ultimately heavily influenced by the dismissal mechanism and presidential decree. Without an objective term limit, the replacement of the Chief of the National Police of the Republic of Indonesia could potentially depend more on political decisions than on the temporal parameters predetermined by law. This does not mean that the President's authority to appoint and dismiss the Chief of the National Police of the Republic of Indonesia is invalid. However, from the perspective of limiting power, harmonization of the mechanisms for appointment, dismissal, oversight, accountability, and term limits is necessary to ensure that these mechanisms create a more balanced control of power (Yani & Julhijah, 2023).

From an accountability perspective, term limits serve a crucial role as an evaluation instrument for the performance of public officials. A specific period allows for a clear evaluation of leadership and policies implemented during the term. In the context of the Indonesian National Police (Polri), term limits also relate to the need for leadership regeneration, ensuring a proportional opportunity for new leadership to emerge. Without a clear term limit, leadership continuity can depend on decisions regarding the dismissal or replacement of the official in question. This has the potential to create dependence on political decisions and reduce the objectivity of determining when leadership should be continued or replaced. In addition to accountability, term limits also relate to the stability of the implementation of police power. Institutional stability requires continuity of leadership, but stability cannot be interpreted as the continuation of office without a clear time limit. The desired stability in a state governed by the rule of law is stability built on rules, not stability that depends solely on the figure of a particular official or political decision. Therefore, a balance is needed between the need to maintain continuity of Polri leadership and the need to limit the concentration of power through objective and predictable term limits (Yusuf & Harmoko, 2024).

For the incumbent Chief of the Indonesian National Police, the absence of provisions regarding the term of office does not automatically invalidate the legal status of the appointment or the authority currently exercised. As long as the appointment is based on applicable legal provisions and there is no legal situation that legally terminates the position, the authority of the Chief of the Indonesian National Police remains legally valid. Therefore, the legal issue that arises is inappropriate if it is directed at the assumption that the Chief of the Indonesian National Police has lost his authority simply because there is no provision for a term of office. The main problem lies in the absence of norms that set a time limit for the continuation of the position, especially regarding the dismissal mechanism and the retirement age limit (Tamrin, 2023).

This situation demonstrates the need to reconstruct the provisions on the term of office of the Chief of the Indonesian National Police in legislation. Reconstruction should not be interpreted as a restriction that undermines the National Police's independence, but rather as an effort to clarify the boundaries of power so that institutional independence remains consistent with the principle of accountability. Lawmakers can consider several models, such as establishing a specific term of office, limiting the number of terms, linking the term of office to the retirement age, or combining the term of office with a specific age limit. Whichever model is chosen, the norms must be formulated objectively and transparently and must not leave too much room for political interests to determine the continuation of office unduly.

Thus, the regulation of the term of office of the Chief of the Indonesian National Police is essentially a consequence of applying the principles of the rule of law and the limitation of power in governance. This regulation needs to be integrated with the mechanisms for appointment, DPR approval, dismissal, oversight, accountability, and retirement age. The goal is not to diminish the President's constitutional authority or the institutional independence of the Indonesian National Police, but rather to ensure that all public power has known and accountable limits. With clear time limits, the continuation of the Chief of the Indonesian National Police's term of office is not solely dependent

on political decisions. However, it is also supported by a legal basis that provides certainty for both the institution and the public.

Ultimately, the absence of a norm specifically limiting the term of office of the Chief of the Indonesian National Police has legal implications for legal certainty, limitations on power, checks and balances, accountability, and the regeneration of Polri leadership. This absence does not necessarily invalidate the appointment or authority of the Chief of the Indonesian National Police, as the legitimacy of the position must still be assessed against the applicable legal framework and appointment mechanism. However, this condition indicates a normative deficiency because positive law has not provided clear temporal parameters regarding the continuation of the office of the Chief of the Indonesian National Police. Therefore, establishing a norm on term limits is relevant to strengthening legal certainty while ensuring that police power continues to operate effectively, stably, and accountably, within the boundaries of the rule of law.

CONCLUSION

Indonesian positive law has regulated the position, authority, and mechanisms for the appointment and dismissal of the Chief of the Indonesian National Police, as well as the retirement age limit for members of the Indonesian National Police. However, these regulations do not contain provisions that explicitly define the term of office, periodization, or the maximum term for an individual to hold the position of Chief of the Indonesian National Police. The retirement age limit cannot be equated with the term of office because the two have different regulatory objects. The absence of a norm limiting the term of office of the Chief of the Indonesian National Police has legal implications for legal certainty, limitations on power, checks and balances, accountability, and regeneration of the National Police leadership. The absence of a clear temporal limit can create uncertainty regarding the continuity of office and increase dependence on dismissal mechanisms and political decisions in determining the replacement of the Chief of the Indonesian National Police.

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