

## Excessive Use of Force by the Police Recurs, Here How to Stop it

Mimin Dwi Hartono  
(SENIOR POLICY ANALYST AT KOMNAS HAM)

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The tragic death of Affan Kurniawan, 21, a motorcycle transportation driver run over by a police armored vehicle on Aug. 28 highlights the excessive use of police force during recent demonstrations. Affan was one of 10 individuals who reportedly died during protests between Aug. 28 and 31 in several cities across the country.

The other fatalities were Andika Lutfi Falah, Jakarta; Rheza Sendy Pratama, Yogyakarta; Sumari, Surakarta; Saiful Akbar, Muhammad Akbar Basri, Sarina Wati and Rusdamdiansyah, Makassar; Iko Juliant Junior, Semarang; and Septinus Sesa, Manokwari.

Some of them allegedly died as a result of police brutality, while three of the people killed in Makassar were trapped in a government building set afire by a mob. The loss of 10 lives is deeply concerning, especially as citizens were exercising their legitimate rights peacefully. The fatal incidents must be thoroughly investigated for the sake of justice.

Investigations should be conducted transparently, including through the formation of a fact-finding or independent investigation team, as advised by the United Nations High Commissioner for Human Rights, who responded on Monday to the way the government handled the mass protests. This is not only to ensure transparency of process and results, but also to restore public trust in the government and to address speculation about infiltrators.

Beyond the fatalities, thousands were reportedly injured or arrested in what many consider excessive police actions. Among those arrested is human rights activist Delpedro Marhaen, the executive director of Lokataru Foundation, who is now facing charges of instigating riots.

The recent violence echoes previous tragedies, such as the Kanjuruhan Stadium disaster in Malang, East Java, on Oct. 1, 2022, which claimed 135 lives. The recurring police brutality is attributed not only to the broad powers granted by Law No. 2/2002 on the National Police but also to a culture of violence in police training and operations, in addition to ineffective oversight.

Articles 14, 15 and 16 of the law stipulate at least 48 police functions and powers, covering law enforcement, maintaining security and public order and providing public

services. A revision of the law, which remains pending, extends the police powers to include the digital realm in the form of a cyber surveillance license.

According to data from the National Commission on Human Rights (Komnas HAM), the police are the state institution most frequently accused of human rights violations. From 2021 to 2024, Komnas HAM recorded hundreds of complaints annually against the police, particularly concerning the right to justice.

The police consistently top the ranking in terms of human rights offenses committed, with 728 cases in 2021, 861 cases in 2022, 771 cases in 2023 and 663 cases in 2024. When it comes to the right to justice, Komnas HAM recorded very high numbers of violations linked to the police: 774 cases in 2019, 758 cases in 2020, 728 cases in 2021, 987 cases in 2022, 896 cases in 2023 and 758 cases in 2024.

The right to freedom of expression and assembly is guaranteed by the Constitution and Law No. 9/1998 on freedom of expression in public. Article 28E (2) of the 1945 Constitution states that every person has the right to freedom of belief, expression and conscience. Article 28E (3) further guarantees the right to freedom of association, assembly and expression.

Law No. 9/1998 concerns peaceful expression in public. The essence of the law is to ensure respect, protection and fulfillment of the right to publicly express opinions, as mandated by the Constitution.

While this right can be restricted, it must be done with legitimate objectives and within the confines of the law. Article 19 (2) of the International Covenant on Civil and Political Rights (ICCPR) outlines permissible limitations for purposes such as protecting public order and social interests.

However, civil liberties in Indonesia have been deteriorating, as evidenced by a "partly free" ranking from Freedom House and a "flawed democracy" classification from the Economist Intelligence Unit.

Any violence or arbitrary behavior by officers against peaceful demonstrators constitutes a serious breach of the police code of ethics. Article 6(b) and Article 12(e) of Police Regulation No. 7/2022 on the code of ethics prohibit police members from acting arbitrarily in speech or conduct.

Enforcement of the law against police officers who commit excessive use of power is not enough. The police must improve their performance in safeguarding freedom of expression and assembly.

Police officers should comply with internal regulations to prevent excessive use of force. Police Regulation No. 8/2009 on the implementation of human rights principles in police duties provides guidelines for officers to respect, protect and uphold human rights. It sets out the principles of legality, necessity, proportionality, accountability and

non-discrimination. Force should be a last resort, applied proportionally and procedurally.

Police Regulation No. 7/2012 on public expression further guides officers in serving, securing and handling demonstrations to ensure they remain peaceful and lawful. It emphasizes human rights, prioritizes prevention over enforcement and encourages persuasion, negotiation and communication while avoiding excessive violence.

Police Chief Regulation No. 1/2009 outlines six levels of force, from simple verbal commands to the use of deadly force as an absolute last resort. However, the persistent violations of these regulations highlight the need for a fundamental and structural evaluation of the police force.

This evaluation must be independent and objective to uncover the root causes of the recurring violence and restore public confidence in the law enforcement institution.