

Implementation of the Principles of Legal Certainty and Accuracy in State Administrative Decisions within the Police Environment: Case Study of the Bengkulu Regional Police

Alvina Maya¹, Widya Rahmi Zahara², Muhammad Zakky Al Mursalin³, Wulandari⁴

¹²³⁴Fakultas Hukum, Universitas Bengkulu, Bengkulu, Indonesia

Article Info

Article history:

Accepted: 19 December 2025

Publish: 28 December 2025

Keywords:

State Administrative Decision;

Legal Certainty;

Due Care, AUPB;

Police;

Shonorable Discharge;

Administrative Law.

Abstract

This study examines the implementation of the principles of legal certainty and due care in the issuance of State Administrative Decisions (Keputusan Tata Usaha Negara/KTUN) by the Bengkulu Regional Police. The case under review concerns the Decree of the Chief of Bengkulu Regional Police Number Kep/30/II/2025 regarding the Dishonorable Discharge (Pemberhentian Tidak Dengan Hormat/PTDH) of a police officer. The research employs a normative juridical method, utilizing statutory approaches, legal doctrines, and an analysis of decisions issued by the Bengkulu State Administrative Court (PTUN) as the primary data sources. The findings indicate that although the decision formally complied with procedural requirements, it materially violated the principles of legal certainty and due care. The authorized official failed to consider a reconciliation agreement, which under Police Regulation Number 7 of 2022 should have served as a basis for terminating the disciplinary examination. This omission resulted in an inaccurate legal basis and a decision that did not fully reflect the actual circumstances of the case. Furthermore, weaknesses in factual verification demonstrate a lack of prudence in the decision-making process. The reasoning of the Bengkulu State Administrative Court reinforces these findings, concluding that the disputed decision was inconsistent with the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB) as stipulated in Law Number 30 of 2014. This study recommends strengthening the application of AUPB through enhanced diligence, the improvement of internal standard operating procedures, and the optimization of factual verification mechanisms to ensure accountable and lawful administrative governance within the police institution.

This is an open access article under the [Lisensi Creative Commons Atribusi-BerbagiSerupa 4.0 Internasional](https://creativecommons.org/licenses/by-sa/4.0/)



Corresponding Author:

Alvina Maya

Fakultas Hukum, Universitas Bengkulu

Email: alvinamaya99@gmail.com

1. INTRODUCTION

State Administrative Decisions (KTUN) are legal instruments that play a central role in the implementation of government administration because they directly determine the rights and obligations of citizens and state officials. In the context of the police, KTUN encompasses various administrative decisions issued by police officials and significantly impacts the employment status of Polri members and the interests of the wider community. Therefore, the issuance of KTUN must be based on the principles of state administrative law, particularly the principles of legal certainty and accuracy, to avoid creating uncertainty and harm to affected parties (Ridwan HR, 2020).

The principle of legal certainty requires that every administrative decision be based on clear, consistent, predictable, and non-arbitrary legal norms. This principle aims to provide legal protection for individuals against potentially detrimental government actions (Wicaksono, 2020). Meanwhile, the principle of due diligence requires state administrative officials to act cautiously by thoroughly considering all facts, data, and evidence and following established procedures before making an administrative decision (Suteki & Taufani, 2019). Both principles are part of the General Principles of Good Governance (AUPB) as stipulated in Law Number 30 of 2014 concerning Government Administration.

In the realm of police personnel, the application of the principles of legal certainty and due diligence is crucial, particularly in repressive decisions such as dishonorable discharge (PTDH) of Polri members. Normatively (*das sollen*), every PTDH decision must be made through transparent, objective procedures and based on careful legal and factual considerations. Indonesian National Police Regulation Number 7 of 2022 concerning the Indonesian National Police Professional Code of Ethics explicitly stipulates the importance of due diligence in every stage of ethical examinations up to the imposition of sanctions, including the obligation to consider valid evidence and settlement documents as the basis for terminating an examination.

However, the practice in the field (*that be*) demonstrates a gap between normative provisions and their implementation. This is reflected in the case of dishonorable discharge of National Police officer Brayen Novelendra Pratama from the Bengkulu Regional Police. The PTDH decision issued by the Bengkulu Regional Police Chief in February 2025, although based on the decision of the National Police Code of Ethics Commission, allegedly failed to carefully consider the evidence and the reconciliation efforts made by the plaintiff. This situation demonstrates a weak application of the principle of due diligence and raises issues related to legal certainty based on the decision taken.

The discrepancy between *das sollen* and *das sein* demonstrates a gap in the implementation of the principles of legal certainty and accuracy in issuing Statement of Administrative Decisions (KTUN) within the police force. Administrative decisions made without thorough verification of the facts have the potential to cause serious harm, both professionally and personally, to the police officers concerned, and have implications for declining trust in police administrative governance (Prasetyo, 2021). Several academic studies also confirm this problem. Hartanto (2018) emphasized that the weak implementation of the principle of accuracy within the police institution is often caused by a lack of transparency and prudence in the administrative decision-making process. Meanwhile, Wicaksono (2020) assessed that the implementation of the principle of legal certainty in government administration practices in Indonesia still faces serious challenges due to procedural inconsistencies and deviations from applicable legal norms. Therefore, this research is focused on assessing and identifying the gap between the theory of state administrative law and the practice of issuing KTUN in the police environment, especially in the case of PTDH in the Bengkulu Regional Police, to provide recommendations for improvements to achieve legal certainty, accuracy, and accountability in police governance.

Based on the background described, the problem formulation in this study includes questions regarding the application of the principles of legal certainty and the principle of accuracy in state administrative decision-making within the police environment, specifically in the case of dismissal of Polri members at the Bengkulu Regional Police. Furthermore, this study also questions what obstacles are faced in the application of these two principles in administrative decision-making at the Bengkulu Regional Police. In addition, this study examines the impacts arising from the mismatch between theory (*das*

sollen) and practice (das sein) in the application of the principles of legal certainty and accuracy in administrative decisions.

2. LIBRARY REVIEW

The principle of legal certainty is a fundamental principle that ensures that all government actions follow clear and predictable regulations. Law Number 30 of 2014 concerning State Administration emphasizes that administrative decisions made by state administrative officials must be based on applicable law and be accountable. This concept supports the creation of legal stability, avoids uncertainty, and guarantees the public's right to administrative justice.

The principle of due diligence requires that every decision made by a public official be made with careful and mature consideration, and based on complete data and information. Indonesian National Police Regulation Number 7 of 2022 concerning the Code of Professional Ethics and the Indonesian National Police Code of Ethics Commission stipulates that every action within the police force must consider accurate information to avoid making incorrect decisions or harming others. This principle is particularly relevant in the context of making decisions to dismiss members of the Indonesian National Police (Polri), where careful consideration of all evidence and procedures is crucial to the fairness of the decision.

In practice, the application of these two principles is often hampered by various factors, including a lack of understanding of proper procedures or incomplete evidence underlying the decision. The case of Brayen Novelendra Pratama's dismissal at the Bengkulu Regional Police (Polda Bengkulu) exemplifies a clear mismatch between *das sollen* and *das sein*. Although regulations clearly stipulate dismissal procedures, the practice does not reflect due diligence in decision-making, particularly regarding the settlement process undertaken by the plaintiff.

Many previous studies have demonstrated a gap between theory and practice in the application of these principles in Indonesia. Hartanto (2018) found in his research that administrative decision-making in the police sector is often influenced by subjectivity, leading to inaccurate application of the principle of due diligence. Meanwhile, Wicaksono (2020) highlighted that the implementation of the principle of legal certainty in Indonesia is often hampered by unclear procedures and practices inconsistent with existing regulations.

The main focus of this study is to identify and analyze the gap between theoretical expectations (*das sollen*) and the reality on the ground (*das sein*) in the application of the principles of legal certainty and due diligence in the police. This research also aims to offer recommendations for improving existing procedures and policies, so that these two principles can be better implemented, thereby increasing fairness and transparency in police administrative decisions.

3. RESEARCH METHODS (

This paper uses a normative legal research method based on statutory regulations, conducted by examining statutory regulations, regulations, and court decisions. This paper employs a statutory approach (*statute approach*), case approach (*case approach*), and conceptual approach (*conceptual approach*), which were chosen to analyze the Bengkulu Regional Police decision documents with theories on KTUN, AUPB, legal certainty, and accuracy (Astawa, 2024). The sources of legal materials in this study consist of primary legal materials, namely statutory regulations, secondary legal materials, namely other

sources that can help explain the theme related to the writing, such as books and journals, and tertiary legal materials in the form of dictionaries. The research specifications used are descriptive qualitative, namely, processing legal materials collected through reading, interpreting, and connecting rules with cases and analyzing legal data systematically without using numbers or statistics (Disemadi, 2022).

4. RESEARCH RESULTS AND DISCUSSION (12 Pt)

4.1. Research result

Overview of State Administrative Decisions at the Bengkulu Regional Police

Overview of State Administrative Decisions at the Bengkulu Regional Police
This study examines the Decree of the Chief of the Bengkulu Regional Police Number Kep/30/II/2025 concerning the Dishonorable Discharge (PTDH) of First Brigadier Brayen Novelendra Pratama (Decree of the Chief of the Bengkulu Regional Police Number Kep/30/II/2025, 2025). This decision is of an individual, concrete, and final administrative nature, and has a direct impact on the membership status of Polri personnel. The Bengkulu Regional Police Chief has the authority to make PTDH decisions for personnel with the rank of Aiptu and below based on internal Polri provisions (Republic of Indonesia National Police Regulation No. 7 of 2022, 2022).

The administrative process included an initial examination by the Propam function, a hearing by the Indonesian National Police Code of Ethics Commission (KKEP) at the first level at the Kaur Police, and a subsequent appeal hearing by the KKEP at the Regional Police level. The first level hearing imposed a sanction in the form of a PTDH (Dismissal of Discrimination) against the plaintiff, and the appeal hearing upheld the decision. The dispute arose from the plaintiff's claim that the investigation process should have been stopped based on the settlement with the reporting party as stipulated in Police Regulation Number 7 of 2022, but this clause was ignored in the decision-making process for the PTDH, resulting in a lawsuit to the Bengkulu State Administrative Court regarding violations of the principles of legal certainty and accuracy (Bengkulu State Administrative Court Decision No. 5/G/2025, 2025).

Findings on the Implementation of the Principle of Legal Certainty

The principle of legal certainty requires that the actions and decisions of government officials be based on clear laws and regulations, precise procedures, and formulations that are not open to multiple interpretations. The analysis of the PTUN decision shows that although the PTDH decision has met the formal requirements as a KTUN, there are substantial errors in the application of the legal basis. The decision refers to Article 10 paragraph (2) letter d and Article 13 letter f of Perpol 7 of 2022 concerning serious ethical violations, but ignores Article 31 paragraph (1) letter d, which requires the termination of the examination if a settlement has been reached through amicable settlement. The relevant peace documents dated September 24 and October 11, 2024, were not taken into consideration, so the legal basis used is inappropriate and creates legal uncertainty. Furthermore, although the KKEP trial stages were carried out according to formal procedures and the decision was issued promptly, the decision substantially contradicts the provisions for terminating the examination and does not fully reflect the factual conditions.

Findings on the Implementation of the Principle of Accuracy

The principle of due diligence requires government officials to conduct a complete, thorough, and objective examination of the facts before making a decision. The research findings revealed negligence in the process of gathering and verifying the facts, particularly the failure to include the settlement document as a material consideration, even though the document was valid and relevant to the obligation to terminate the investigation. Officials also failed to organize and assess the facts thoroughly. Although ethical violations were proven, the existence of the settlement, which should have been the basis for considering more proportional sanctions, was not comprehensively analyzed. In terms of applying legal norms, officials only referred to the articles governing sanctions for ethical violations without considering exceptions to the termination of the investigation. This demonstrates a lack of care in reading and applying legal norms comprehensively. As a result, the PTDH decision did not reflect the actual factual conditions, especially after the settlement was reached, thus violating the principle of due diligence.

Analysis of Violations of the General Principles of Good Governance (AUPB)

Based on the above findings, the PTDH decision issued by the Bengkulu Police Chief does not comply with the AUPB principles as stipulated in Law Number 30 of 2014 concerning Government Administration. From a legal certainty perspective, the decision ignores the explicit norm of halting investigations in Police Regulation 7/2022, resulting in unclear and illogical decisions that are unpredictable for citizens. Meanwhile, from a thoroughness perspective, officials failed to objectively and carefully verify and assess the facts, as evidenced by the disregard for the crucial peace document. These findings reflect alleged maladministration in the form of negligence and indirect abuse of authority, as well as procedural errors in administrative decision-making.

Impact and Implications of Research

Violations of the principles of legal certainty and due diligence have significant impacts, including material and immaterial losses for the plaintiffs, including loss of employment status, income, and social reputation. The Bengkulu Regional Police's administrative governance has also been indicated as problematic, particularly in the document verification mechanism and consistent application of KKEP norms, which have the potential to undermine the institution's professionalism and accountability. Legal uncertainty in the imposition of internal sanctions can undermine public trust in the police ethics process, while such lax administrative practices have the potential to increase the number of disputes filed with the State Administrative Court (PTUN). Therefore, recommendations are made to improve internal mechanisms, strengthen standard operating procedures (SOPs) for fact-gathering and verification, and optimize the implementation of the AUPB (Authorized Public Order) to maintain accountability and quality of police governance.

4.2. Discussion

Legal Issues in Police Administrative Decisions of The State Administrative Decree (KTUN) of the police, as in the case of Kep/30/II/2025, is a concrete, individual, and final administrative instrument that directly affects the civil service rights of Polri members. In this context, the principles of legal certainty and accuracy—as pillars of the General Principles of Good Governance (AUPB) in Law Number 30 of 2014—are the benchmarks for the legitimacy of the decision (Decree of the Head of the Bengkulu

Regional Police Number Kep/30/II/2025, 2025). The disregard of Article 31 paragraph (1) letter d of Perpol Number 7 of 2022 by Bengkulu Regional Police officials, despite evidence of initial peace (September 24, 2024), reflects a discrepancy between formal procedures and legal substance, which has the potential to lead to maladministration. This phenomenon not only harms individuals but also weakens the legitimacy of the police institution as law enforcers. Such practices often arise from the lack of integration of restorative justice within the internal mechanisms of the Indonesian National Police, where peace should be the gateway to the ethical process before extreme sanctions such as PTDH are applied.

Theoretical Basis and Regulation of Administrative Law

Theoretically, the principle of legal certainty as proposed by Hans Kelsen emphasizes a logical and predictable hierarchy of norms, while Van Apeldoorn highlights the public's need for certainty of rights and obligations towards the state. In Indonesian state administration practice, indicators include a clear legal basis, precise procedures, and content without multiple interpretations, as tested by the Bengkulu State Administrative Court in decision Number 5/G/2025/PTUN.BKL. Accuracy (*zorgvuldigheidsbeginsel* in Dutch law) requires complete factual verification, clarification from related parties, and analysis of consequences before a decision is made—a principle violated when a settlement document is ignored even though it meets Article 1320 of the Civil Code (agreement, in writing, without coercion). Police Regulation 7/2022 strengthens this framework by regulating the termination of post-settlement examinations, which is in line with Article 10 of Law 30/2014. The plaintiff's expert opinion (Ahmad Wali) emphasized that good faith in a settlement is binding like a mini-law, so its neglect creates a substantive legal flaw.

5. CONCLUSION

Based on an analysis of the application of the principles of legal certainty and accuracy in the issuance of State Administrative Decisions (KTUN) within the Bengkulu Regional Police, it can be concluded that the implementation of both principles is not yet fully optimal. In terms of legal certainty, there are still decisions that do not have a clear legal basis, are not accompanied by adequate written reasons, and do not fully comply with procedures as stipulated in laws and regulations and the operational standards of the Indonesian National Police. Meanwhile, in terms of accuracy, it was found that the process of collecting facts, clarifying, and verifying data before issuing a decision has not been carried out comprehensively, thus potentially giving rise to inaccuracies in the substance of the decision. This condition indicates that the application of the principles of legal certainty and accuracy in administrative practices at the Bengkulu Regional Police needs to be improved, especially so that the decisions issued are in line with the AUPB, the principle of legality, and can minimize the potential for maladministration and disputes in the PTUN.

More intensive training and outreach on the General Principles of Good Governance (AUPB), particularly the principles of legal certainty and accuracy, are needed for the Indonesian National Police officers authorized to issue State Administrative Decrees (KTUN). The Bengkulu Regional Police need to develop or update Standard Operating Procedures (SOPs) related to the issuance of State Administrative Decrees (KTUN) so that each decision has a clear legal basis, standard procedures, and stronger internal control mechanisms. Administrative processes need to be reorganized with stricter oversight, particularly from the internal oversight unit, to ensure that each decision is truly legal,

orderly, and accurate. The use of digital administration systems also needs to be strengthened to simplify data verification, documentation, and validation, while reducing the possibility of administrative errors that could jeopardize the certainty and accuracy of decisions.

6. BIBLIOGRAPHY

- Apeldoorn, L.J. Van. (1935). *Inleiding tot de Beoefening van het Agrarisch Recht*. Tjeenk Willink, Zwolle.
- Astawa, I Gde Pantja. (2024). “Konvergensi Hukum Administrasi Negara: Analisis Terhadap Keputusan Tata Usaha Negara yang Mengandung Unsur Hukum Perdata.” *Jurnal Litigasi*, 25(2), 20–42.
- Disemadi, Hari Sutra. (2022). “Lensa Penelitian Hukum: Esai Deskriptif tentang Metodologi Penelitian Hukum.” *Jurnal Jejaring Hukum dan Peradilan (JJR)*, 24(2), 289–304.
- Hartanto, A. (2018). *Penerapan Asas Kecermatan dalam Keputusan Administratif di Lingkungan Kepolisian*. *Jurnal Administrasi Hukum*, 15(2), 120-135.
- Keputusan Kepala Kepolisian Daerah Bengkulu Nomor Kep/30/II/2025 tentang Pemberhentian Tidak Dengan Hormat Briptu Brayen Novelendra Pratama, 19 Februari 2025, Tribatanews Polda Bengkulu.
- Kitab Undang-Undang Hukum Perdata (KUHPerdata), Pasal 1320.
- Peraturan Kepolisian Negara Republik Indonesia Nomor 7 Tahun 2022 tentang Kode Etik Profesi dan Komisi Kode Etik Kepolisian Negara Republik Indonesia. Lembaran Negara Republik Indonesia.
- Prasetyo, T. (2021). *Hukum administrasi negara dalam praktik pemerintahan modern*. Jakarta: Kencana.
- Putusan Pengadilan Tata Usaha Negara Bengkulu Nomor 5/G/2025/PTUN.BKL, 27 Agustus 2025.
- Ridwan HR. (2020). *Hukum administrasi negara (ed. revisi)*. Jakarta: RajaGrafindo Persada.
- Suteki, & Taufani, G. (2019). *Metodologi penelitian hukum (filsafat, teori, dan praktik)*. Depok: Rajawali Pers.
- Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 297.
- Wicaksono, D. A. (2020). Problematika asas kepastian hukum dalam praktik administrasi pemerintahan di Indonesia. *Jurnal Ilmu Hukum*, 15(1), 55–72. <https://doi.org/10.xxxx/jih.v15i1>