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RESEARCH ARTICLE

POLICE NON-COMPLIANCE AND CONSTITUTIONAL DISOBEDIENCE IN INDONESIA

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ABSTRACT

This study aims to analyze the legal consequences of the Indonesian National Police's non-compliance with Constitutional Court Decision No. 114/PUU-XXIII/2025 and to examine its implications for Indonesia's constitutional system. The decision prohibits active members of the Indonesian National Police from holding civilian positions unless they resign or retire from police service. However, several provisions of Regulation of the Indonesian National Police No. 10 of 2025 are considered inconsistent with the Constitutional Court's ruling, thereby creating a legal antinomy and uncertainty in its implementation. This study employs a normative legal research method using statutory and conceptual approaches. The analysis focuses on the hierarchy of laws and regulations, the final and binding nature of Constitutional Court decisions, and the constitutional limits of authority among state institutions. Legal materials were examined qualitatively through legal interpretation and systematic analysis. The results indicate that non-compliance with the Constitutional Court's decision may constitute constitutional disobedience, weaken the supremacy of the Constitution, and create legal uncertainty regarding the appointment of active police officers to civilian positions. It also undermines the authority of the Constitutional Court and disrupts the checks and balances mechanism. The study concludes that regulatory harmonization, stricter institutional supervision, and an effective enforcement mechanism are required to ensure compliance with Constitutional Court decisions.

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1. Introduction

Indonesia is constitutionally established as a state governed by the rule of law, as expressly stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This constitutional provision requires that the exercise of state power be based on law rather than merely on the will or discretion of public officials. In a state governed by law, legislation functions not only as an instrument for maintaining public order but also as a mechanism for limiting governmental authority, protecting citizens' constitutional rights, and preventing the arbitrary exercise of power. Accordingly, every citizen, public official, and state institution is subject to the Constitution and the prevailing legal order (Ginting et al., 2024).The Indonesian conception of the rule of law has historically been influenced by the rechtsstaat tradition developed within the Continental European civil law system. Nevertheless, its contemporary application cannot be separated from democratic principles, constitutionalism, equality before the law, judicial independence, and the protection of human rights (Imeraj & Shabani, 2026). A modern rule-of-law state therefore requires more than the formal existence of written legislation. It also requires substantive conformity between governmental actions, statutory regulations, constitutional principles, and the decisions of judicial institutions entrusted with safeguarding the Constitution.

The relationship between the rule of law and democratic governance was emphasized at the International Commission of Jurists Conference in Bangkok in 1965 through the concept of "The Dynamic Aspects of the Rule of Law in the Modern Age." The concept places law above governmental power and requires all individuals and public authorities to be equally subject to the law. It also highlights the importance of an independent judiciary, free elections, freedom of association and expression, civic participation, constitutional protection, and access to a fair trial (Laebens & Lührmann, 2021). These principles demonstrate that constitutional democracy depends not only on the formulation of legal norms but also on the willingness of state institutions to comply with and implement those norms consistently.

In Indonesia, the enforcement of the rule of law continues to face challenges arising from regulatory inconsistency, overlapping authority, weak enforcement, and discrepancies between higher and lower legal norms. Laws and regulations may also fail to respond adequately to changing social,

political, and institutional conditions. Such problems can produce legal uncertainty, weaken public confidence in state institutions, and reduce the effectiveness of legislation in achieving justice and constitutional order (Sulastri et al., 2025). The problem becomes particularly serious when a regulation issued by a state institution is potentially inconsistent with a Constitutional Court decision because such inconsistency concerns not merely regulatory administration but also the supremacy of the Constitution.

The Constitutional Court occupies a fundamental position in Indonesia's constitutional system. As the guardian and authoritative interpreter of the Constitution, the Court is entrusted with ensuring that statutory provisions remain consistent with the 1945 Constitution. Article 24C paragraph (1) of the 1945 Constitution affirms that Constitutional Court decisions are final, while the Constitutional Court Law further recognizes their binding legal force. The final nature of a decision means that no ordinary legal remedy may be pursued against it. Its binding character means that the decision is not limited to the parties involved in the proceedings but applies generally to state institutions, government officials, and citizens. Therefore, every state institution must adjust its policies, regulations, and administrative practices to the constitutional interpretation established by the Court (Thohir & Sukriono, 2024).

Previous studies have examined the implementation and effectiveness of Constitutional Court decisions from several perspectives. Butt & Murharjanti (2022), for example, analyzed governmental and legislative responses to Constitutional Court decisions in Indonesia. The study found that regulatory and legislative responses do not always conform to the substance of the Court's decisions. In certain cases, provisions invalidated by the Court have been revived or reformulated through subsequent regulations, thereby undermining the effectiveness of constitutional review. Hariri & Arifin (2025), similarly examined Constitutional Court decisions that had not been followed up by the House of Representatives and identified political interests, the absence of effective enforcement mechanisms, and institutional reluctance as factors obstructing implementation. Other studies have discussed the final and binding nature of Constitutional Court decisions, the concept of constitutional disobedience, and the need to strengthen mechanisms for implementing constitutional judgments.

Although these studies provide an important foundation for understanding institutional compliance with Constitutional Court decisions, most focus on legislative inaction or the failure of the House of Representatives and the government to amend statutory provisions. Limited attention has been given to non-compliance manifested through an internal regulation issued by a law-enforcement institution, particularly when that regulation governs the placement of active police officers in civilian or non-police institutions. Therefore, the relationship between Constitutional Court Decision No. 114/PUU-XXIII/2025 and Regulation of the Indonesian National Police No. 10 of 2025 presents a specific constitutional issue that has not been adequately examined in previous research.

Constitutional Court Decision No. 114/PUU-XXIII/2025 concerns the constitutional review of the phrase "or not based on an assignment from the Chief of the Indonesian National Police" contained in the elucidation of Article 28 paragraph (3) of Law No. 2 of 2002 concerning the Indonesian National Police. Article 28 paragraph (3) essentially provides that members of the Indonesian National Police may occupy positions outside the police institution only after resigning or retiring from police service. The Constitutional Court found that the disputed phrase obscured this requirement, expanded the meaning of the principal provision, and created uncertainty regarding appointments outside the police institution and the career opportunities of civilian state employees. The Court consequently declared the disputed phrase contrary to the 1945 Constitution and without binding legal force.

Following the decision, Regulation of the Indonesian National Police No. 10 of 2025 regulated the performance of duties by members of the Indonesian National Police outside the organizational structure of the police. The regulation provides mechanisms for assigning active police officers to government institutions and international organizations that require competencies related to police functions. The substance of this regulation has generated constitutional controversy because it may provide a regulatory basis for active police officers to continue occupying positions outside the police structure without first resigning or retiring. Consequently, a potential antinomy arises between an internal police regulation and the constitutional meaning established by the Constitutional Court.

This problem cannot be regarded merely as a technical conflict between legal instruments. Within the hierarchy of laws and regulations, an institutional regulation cannot alter, restrict, or circumvent the constitutional interpretation established through a final and binding Constitutional Court decision. Failure to comply with such a decision may constitute a form of constitutional disobedience because a state institution effectively places its internal regulatory interests above constitutional authority. This condition may weaken the Constitutional Court's position as the guardian of the Constitution, undermine the supremacy of constitutional law, disrupt the checks and balances system, and create uncertainty concerning the legal status of active police officers appointed to civilian positions.

The issue is also urgent because the placement of active police officers in civilian institutions may affect police professionalism, institutional neutrality, the merit system within the civil service, and equal access to public positions. The Constitutional Court itself observed that legal ambiguity concerning such appointments could create uncertainty not only for police officers but also for the career development of civil servants outside the police institution. Without a clear mechanism for enforcing Constitutional Court decisions, similar forms of institutional resistance may recur and weaken public confidence in constitutional adjudication.

The novelty of this study lies in its specific examination of institutional non-compliance by the Indonesian National Police through the issuance and implementation of an internal police regulation following Constitutional Court Decision No. 114/PUU-XXIII/2025. Unlike previous studies that primarily discuss legislative inaction or general compliance with Constitutional Court decisions, this study analyzes the legal antinomy between a final and binding constitutional judgment and a subordinate institutional regulation. It further connects this conflict with the concepts of constitutional disobedience, statutory hierarchy, institutional authority, police professionalism, legal certainty, and checks and balances. Accordingly, this study aims to analyze the legal consequences of the Indonesian National Police's non-compliance with Constitutional Court Decision No. 114/PUU-XXIII/2025 and to examine its broader implications for constitutional supremacy, legal certainty, institutional accountability, and the checks and balances system in Indonesia. The study also seeks to identify the legal and institutional measures required to ensure that internal regulations and practices of state institutions remain consistent with final and binding Constitutional Court decisions.

2. Methodology

This study employs normative legal research to examine the legal consequences of the Indonesian National Police's non-compliance with Constitutional Court Decision No. 114/PUU-XXIII/2025. Normative legal research focuses on legal norms, principles, doctrines, and statutory provisions applicable to a particular legal issue. This method was selected because the central problem of the study concerns the conformity between a final and binding Constitutional Court decision and Regulation of the Indonesian National Police No. 10 of 2025. The study therefore analyzes the issue as a conflict of norms within Indonesia's constitutional and statutory system rather than as an empirical examination of institutional behavior (Wulandari, 2026).

The research applies statutory, conceptual, and case approaches. The statutory approach is used to examine the hierarchy, substance, and interrelationship of the 1945 Constitution of the Republic of Indonesia, Law No. 2 of 2002 concerning the Indonesian National Police, legislation governing the Constitutional Court, legislation concerning the formation of laws and regulations, and Regulation of the Indonesian National Police No. 10 of 2025. The case approach focuses on the legal reasoning, constitutional interpretation, and binding consequences of Constitutional Court Decision No. 114/PUU-XXIII/2025. Meanwhile, the conceptual approach is employed to analyze relevant legal concepts, including constitutional supremacy, constitutional disobedience, legal certainty, institutional authority, the final and binding nature of judicial decisions, and checks and balances.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution, relevant statutes and regulations, Constitutional Court Decision No. 114/PUU-XXIII/2025, and other official legal documents related to the appointment

of active police officers to positions outside the police institution. Secondary legal materials include academic books, peer-reviewed journal articles, legal commentaries, and previous studies concerning Constitutional Court decisions, police authority, regulatory conflicts, and institutional compliance. Tertiary legal materials, such as legal dictionaries, encyclopedias, and legal indexes, are used to clarify terminology and support the interpretation of legal concepts.

The legal materials were collected through a literature and document study by identifying, classifying, and systematically reviewing relevant constitutional provisions, statutes, regulations, court decisions, and scholarly publications. The collected materials were analyzed qualitatively using grammatical, systematic, and constitutional interpretation. A vertical synchronization analysis was also conducted to assess whether Regulation of the Indonesian National Police No. 10 of 2025 is consistent with higher legal norms and the constitutional interpretation established by the Constitutional Court. The analysis was then presented descriptively and argumentatively to determine the legal consequences of institutional non-compliance and its implications for constitutional supremacy, legal certainty, institutional accountability, and the checks and balances system.

3. Results and discussion

3.1 Legal Consequences of the Indonesian National Police's Non-Compliance with Constitutional Court Decision No. 114/PUU-XXIII/2025

Constitutional Court Decision No. 114/PUU-XXIII/2025 declared that the phrase "or not based on an assignment from the Chief of the Indonesian National Police" in the elucidation of Article 28 paragraph (3) of Law No. 2 of 2002 concerning the Indonesian National Police was contrary to the 1945 Constitution and had no binding legal force. The decision, delivered on November 13, 2025, affirmed that active police officers may occupy positions outside the police institution only after resigning or retiring. As a final and binding ruling, it must be implemented by all state institutions, including the Indonesian National Police. The decision strengthens legal certainty, constitutional supremacy, civilian control, and police professionalism. It also prevents the assignment mechanism from being used to circumvent the requirement that active police officers resign or retire before occupying civilian positions. However, controversy arose following the issuance of Regulation of the Indonesian National Police No. 10 of 2025, which is considered to continue permitting active officers to serve in institutions outside the police structure through an assignment mechanism (A'yun & Mudhoffir, 2026).

The regulation allows police officers to be assigned to various ministries and state institutions, including institutions dealing with political and security affairs, energy, law, immigration, forestry, transportation, intelligence, narcotics, counterterrorism, financial supervision, cybersecurity, and corruption eradication. The broad scope of these assignments creates a potential conflict between the Constitutional Court's ruling and the internal regulation of the police. From the perspective of legal hierarchy, an internal police regulation cannot modify, restrict, or circumvent the constitutional interpretation established by the Court. Non-compliance with a Constitutional Court ruling may occur through delayed implementation, partial execution, failure to amend unconstitutional provisions, or the issuance of a new regulation that revives a norm previously declared unconstitutional (Trochev & Solomon, 2018). Such non-compliance may be caused by weak political commitment, limited understanding of the ruling, institutional interests, resistance to restrictions on authority, and the absence of clear sanctions.

In this case, non-compliance may produce several legal consequences. First, it creates legal uncertainty regarding the status and validity of appointments of active police officers to civilian positions. The Constitutional Court requires resignation or retirement, while the police regulation may be interpreted as permitting such appointments through assignment. This contradiction may expose administrative decisions to legal challenges. Second, non-compliance weakens constitutional supremacy. All regulations, policies, and governmental actions must conform to the 1945 Constitution as interpreted

by the Constitutional Court. A policy that is inconsistent with a final and binding ruling may therefore be regarded as constitutional disobedience because it places institutional interests above constitutional authority (Oliver-Lalana, 2016). Third, it undermines the authority of the Constitutional Court. The effectiveness of constitutional review depends not only on the Court's power to invalidate unconstitutional norms but also on the willingness of state institutions to implement its decisions. Repeated disregard for such rulings may weaken the Court's position as the guardian and final interpreter of the Constitution and reduce public confidence in constitutional adjudication.

Fourth, non-compliance disrupts the checks and balances system. The Constitutional Court performs judicial control over legislative and executive power. If an executive institution can disregard or reinterpret the Court's ruling through an internal regulation, the balance between state powers becomes distorted and constitutional limits on institutional authority are weakened. Fifth, the continued placement of active police officers in civilian institutions may affect police professionalism and institutional neutrality. It may blur the distinction between policing and civilian administration, limit career opportunities for civilian officials, and expand police influence into sectors unrelated to core police functions. These problems are aggravated by the absence of effective enforcement mechanisms for Constitutional Court decisions. Indonesian law does not yet provide sufficiently clear procedures for monitoring compliance, determining institutional responsibility, or imposing sanctions for deliberate or negligent non-compliance (Kavanagh, 2026). Consequently, implementation often depends on political commitment and institutional good faith.

Therefore, systemic legal and institutional reforms are required. A formal monitoring mechanism should be established, accompanied by reporting obligations, clear implementation deadlines, identification of responsible institutions, harmonization of subordinate regulations, and legal consequences for non-compliance. Cooperation among legislative, executive, and judicial institutions is also necessary to ensure that Constitutional Court decisions are effectively implemented. In conclusion, non-compliance with Constitutional Court Decision No. 114/PUU-XXIII/2025 may result in legal uncertainty, the vulnerability of administrative appointments, weakened constitutional supremacy, erosion of the Constitutional Court's authority, disruption of checks and balances, reduced police professionalism, and declining public trust in the rule of law. Compliance with final and binding Constitutional Court decisions is therefore essential to maintain constitutional government, legal certainty, and institutional accountability.

Furthermore, the implementation of Constitutional Court decisions should not depend solely on the political willingness of individual state institutions. It must be incorporated into a binding and accountable institutional framework capable of preventing delays, selective interpretation, and regulatory circumvention. Parliament should ensure that relevant legislation is promptly revised, while the executive must align administrative policies and subordinate regulations with the constitutional principles established by the Court. Judicial and supervisory institutions should also be empowered to evaluate compliance and address administrative actions that contradict final and binding decisions. In the context of Decision No. 114/PUU-XXIII/2025, such measures are particularly important to prevent active police officers from occupying civilian positions contrary to constitutional requirements and to preserve clear boundaries between law-enforcement functions and civilian administration. Effective implementation would not only protect the validity of public appointments but also strengthen police neutrality, prevent conflicts of interest, reinforce checks and balances, and demonstrate that no institution is exempt from constitutional control. Accordingly, establishing an enforceable compliance framework is indispensable for transforming Constitutional Court decisions from authoritative judicial pronouncements into effective constitutional norms within state administration.

3.2 Constitutional Disobedience

Compliance with Constitutional Court decisions reflects loyalty to the Constitution, while failure to implement them may constitute *constitutional disobedience*. This concept is based on the Constitutional Court's role as the guardian and authoritative interpreter of the 1945 Constitution. Therefore, its final and binding decisions must guide all state institutions in formulating regulations, policies, and administrative actions. Non-compliance may occur through delayed execution, institutional inaction, partial implementation, or the issuance of regulations inconsistent with the Court's interpretation. Such conduct amounts to disregard for constitutional authority because defiance of a Constitutional Court decision also means defiance of the Constitution itself (Hasani et al., 2022).

Constitutional disobedience has several consequences. It creates legal uncertainty when unconstitutional norms continue to be applied, delays the realization of constitutional justice, weakens the authority of the Constitutional Court, and creates inconsistencies in constitutional interpretation. If repeated, it may undermine the position of the 1945 Constitution as the supreme law and weaken the Court's role as the guardian of the Constitution. In the context of Decision No. 114/PUU-XXIII/2025, Police Regulation No. 10 of 2025 must be assessed based on its conformity with the Court's interpretation. If it continues to permit active police officers to hold civilian positions without resigning or retiring, it may constitute constitutional disobedience. An internal police regulation cannot lawfully negate or circumvent a final and binding Constitutional Court decision (Mujiyana et al., 2025). Such inconsistency may create legal uncertainty regarding the validity of appointments, weaken constitutional supremacy, erode the Court's authority, and reduce public confidence in the rule of law.

Moreover, constitutional disobedience in this context may have broader institutional and administrative implications. The continued appointment of active police officers to civilian positions could blur the boundaries between law-enforcement institutions and civilian administration, increase the risk of conflicts of interest, and weaken the principles of neutrality, professionalism, and accountability within the Indonesian National Police. It may also expose administrative appointments and subsequent decisions made by the appointed officials to legal challenges because their authority originates from a process that potentially conflicts with a final and binding constitutional ruling. If such practices are tolerated, other state institutions may similarly interpret Constitutional Court decisions selectively or issue subordinate regulations that deviate from the Court's rulings. This condition would create a dangerous precedent in which institutional interests prevail over constitutional obligations. Therefore, Police Regulation No. 10 of 2025 must be harmonized with Decision No. 114/PUU-XXIII/2025, and all appointments made under the regulation must be evaluated to ensure compliance with the Constitution, safeguard institutional integrity, and maintain public trust in constitutional governance.

3.3 Dysfunction of the Checks and Balances System

The checks and balances system distributes state authority and establishes reciprocal control among legislative, executive, and judicial institutions to prevent the concentration and arbitrary exercise of power. Its effectiveness depends not only on the formal separation of powers but also on each institution's willingness to respect constitutional limits and the authority of other institutions. Non-compliance with Constitutional Court decisions represents a dysfunction of this system. As the guardian of the Constitution, the Court performs a corrective function by ensuring that legislation and governmental actions remain consistent with constitutional principles. When an executive institution disregards a final and binding ruling, judicial control becomes ineffective and the balance of power is disrupted (Pilich, 2021).

Decision No. 114/PUU-XXIII/2025 establishes constitutional limitations on the appointment of active police officers to civilian positions. If Police Regulation No. 10 of 2025 is applied inconsistently with those limitations, the Court's role as a counterbalance to executive power is weakened. Extensive police assignments to civilian institutions may also blur the distinction between police functions and

civilian administration, weaken bureaucratic professionalism, and reduce institutional neutrality. However, police assignments do not automatically demonstrate a complete failure of checks and balances. Dysfunction occurs when the assignment mechanism circumvents constitutional requirements and no effective mechanism exists to correct the inconsistency.

Therefore, the assessment must focus on the substance, implementation, and constitutional consequences of the regulation. Stronger enforcement mechanisms are required, including regulatory harmonization, clear implementation deadlines, institutional reporting obligations, monitoring of compliance, and legal consequences for deliberate or negligent non-compliance. Accordingly, if Police Regulation No. 10 of 2025 conflicts with Decision No. 114/PUU-XXIII/2025, it may weaken judicial control, distort the balance of institutional power, and reduce governmental accountability. The checks and balances system can function effectively only when all state institutions recognize that their authority is limited by the Constitution and subject to final and binding constitutional adjudication.

3.4 Dysfunction of the Checks and Balances System

The dysfunction of the checks and balances system constitutes a serious challenge to Indonesia's constitutional order. The principle of checks and balances is designed to distribute state authority and establish mechanisms of reciprocal control among legislative, executive, and judicial institutions. Its primary purpose is to prevent the concentration and arbitrary exercise of power by ensuring that each branch operates within constitutional limits and remains accountable to other state institutions. The effectiveness of checks and balances depends not only on the formal separation of powers but also on the willingness of state institutions to respect the constitutional authority of one another. Problems arise when there is an imbalance of power, an overlap of institutional authority, or resistance to the supervision exercised by another state institution. Such conditions weaken oversight, reduce accountability, and create opportunities for the expansion of authority beyond its constitutional boundaries (Muttaqin et al., 2026).

One manifestation of this dysfunction is institutional resistance to Constitutional Court decisions. The Constitutional Court is authorized to review legislation against the 1945 Constitution and to issue decisions that are final and binding. Through this authority, the Court performs a corrective function by ensuring that legislative and executive actions remain consistent with constitutional principles. When a state institution fails to implement the Court's decision, the constitutional control exercised by the judiciary becomes ineffective. Institutional resistance may also reflect tension among state institutions that regard their respective authority as autonomous and not subject to effective constitutional correction. Such an attitude is inconsistent with the principle of limited government, under which every institution must exercise its powers within the framework established by the Constitution. No state institution, including one located within the executive branch, may exempt itself from compliance with a final constitutional judgment.

The failure of checks and balances has consequences extending beyond interinstitutional relations. It may weaken the effectiveness of government, reduce transparency, and erode public confidence in state institutions. When constitutional oversight does not operate effectively, the risk of abuse of authority increases because institutional actions are no longer subject to meaningful correction. Consequently, the rule of law may be replaced by institutional discretion that is insufficiently controlled by constitutional norms. In this context, non-compliance with Constitutional Court Decision No. 114/PUU-XXIII/2025 may disrupt the balance between judicial supervision and executive authority. The Constitutional Court has established a constitutional limit concerning the ability of active police officers to occupy civilian positions. If an executive institution subsequently adopts or applies an internal regulation that is inconsistent with this limit, the corrective function of constitutional review becomes weakened.

The principle of checks and balances requires the executive and its subordinate institutions to comply with judicial decisions that define constitutional boundaries. The Constitutional Court does not exercise direct administrative authority over the police, but its decisions determine the constitutional validity of legal norms governing police authority. Therefore, the Indonesian National Police is required to adjust its regulations and practices to the Court's interpretation rather than maintain policies that potentially reproduce the norm invalidated by the Court. Non-compliance may also reduce the Constitutional Court's effectiveness as a counterbalance to executive power. Although the Court retains its formal authority, its substantive role becomes weakened when its decisions are not implemented. A system in which the judiciary may invalidate a legal norm but cannot ensure that state institutions comply with the ruling risks creating constitutional review that is authoritative in theory but ineffective in practice (Tushnet, 2017).

The placement of active police officers in numerous civilian institutions further raises concerns regarding the expansion of police influence within public administration. The issue is not merely the number of institutions in which police officers may be assigned but whether such assignments comply with constitutional and statutory restrictions. Extensive placement without effective judicial and administrative control may blur the distinction between police functions and civilian governance, potentially weakening bureaucratic professionalism and civilian institutional autonomy. However, the existence of such assignments does not automatically prove a complete failure of the checks and balances system. The dysfunction arises when the assignment mechanism is used to disregard or circumvent the constitutional requirements established by the Constitutional Court and when no effective institutional mechanism is available to correct the inconsistency. The legal analysis must therefore focus on the substance, implementation, and constitutional effects of Regulation of the Indonesian National Police No. 10 of 2025.

The weakening of checks and balances may be observed through several interconnected conditions: the inability of judicial decisions to effectively control executive regulations, the absence of mechanisms for monitoring compliance, the lack of sanctions for institutional non-compliance, and the expansion of executive influence into civilian institutions. Together, these conditions may produce an imbalance of power in which executive institutions retain broad discretion while constitutional supervision loses its corrective force. To address this problem, legal reform should strengthen the mechanisms for implementing and monitoring Constitutional Court decisions. State institutions must be required to review and harmonize their regulations immediately after a relevant constitutional ruling is issued. Clear responsibility should also be assigned to institutions responsible for implementing the decision, accompanied by reporting obligations, implementation deadlines, and legal consequences for unjustified non-compliance.

Coordination among the Constitutional Court, the legislative branch, the executive branch, and affected institutions must also be strengthened without undermining judicial independence. Such coordination is not intended to renegotiate the substance of final decisions but to ensure their effective implementation within the legal and administrative system. Strengthening these mechanisms is essential to restore the corrective function of constitutional review and maintain institutional accountability (Syamsudin, 2024). Accordingly, an internal police regulation that permits active police officers to occupy positions in civilian institutions, when applied inconsistently with Constitutional Court Decision No. 114/PUU-XXIII/2025, may demonstrate a dysfunction of the checks and balances system. Such non-compliance weakens judicial control over executive action, distorts the balance of institutional power, and reduces governmental accountability. Ultimately, the principle of checks and balances can only function effectively when every state institution recognizes that its authority is limited by the Constitution and subject to final and binding constitutional adjudication.

4. Conclusion

Constitutional Court Decision No. 114/PUU-XXIII/2025 affirms that active members of the Indonesian National Police may occupy positions outside the police institution only after resigning or retiring from police service. As a final and binding ruling, the decision must serve as a constitutional reference for all state institutions, including the Indonesian National Police. Therefore, any internal regulation or administrative practice that permits active police officers to hold civilian positions without fulfilling this requirement must be evaluated according to its conformity with the constitutional interpretation established by the Court.

The findings demonstrate that non-compliance with the decision may produce significant legal and constitutional consequences. It creates uncertainty regarding the legality of appointments, weakens the supremacy of the Constitution, undermines the authority of the Constitutional Court, and may constitute a form of constitutional disobedience. Such non-compliance also disrupts the checks and balances system by reducing the effectiveness of judicial control over executive action. In addition, the extensive placement of active police officers in civilian institutions may blur the distinction between police functions and civilian administration, weaken institutional neutrality, and affect bureaucratic professionalism.

Accordingly, Regulation of the Indonesian National Police No. 10 of 2025 must be harmonized with Constitutional Court Decision No. 114/PUU-XXIII/2025. However, the existence of the regulation does not automatically establish constitutional disobedience; such a conclusion depends on whether its substance and implementation effectively circumvent the requirement imposed by the Court. To ensure effective compliance, Indonesia needs a clearer mechanism for monitoring and implementing Constitutional Court decisions. This mechanism should include regulatory harmonization, identification of responsible institutions, clear implementation deadlines, reporting obligations, and legal consequences for deliberate or negligent non-compliance. Strengthening institutional compliance is essential to preserve constitutional supremacy, maintain the authority of the Constitutional Court, ensure legal certainty, and reinforce accountable democratic governance.

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