



**REGULATION OF THE CHIEF OF  
THE INDONESIAN NATIONAL POLICE  
NUMBER 8 OF 2009**

**REGARDING**

**IMPLEMENTATION OF HUMAN RIGHTS PRINCIPLES AND STANDARDS IN THE  
DISCHARGE OF DUTIES OF THE INDONESIAN NATIONAL POLICE**

**UPON THE GRACE OF GOD THE ALMIGHTY**

**CHIEF OF THE INDONESIAN NATIONAL POLICE,**

- Taking into consideration :
- a. whereas, the Indonesian National Police constitute a state apparatus charged with the function of maintaining security and public order, enforce the law, and provide protection, guidance, and service to the public;
  - b. as a state apparatus, the Indonesian National Police also has the obligation to respect, protect and uphold human rights in the discharge of its duties and functions;
  - c. whereas, in order to allow all tiers of the Indonesian National Police to respect, protect and uphold human rights in the discharge of its duties and functions, there is a need for a manual on the implementation of the principles and standards of human rights during the discharge of the duties and functions of the Indonesian National Police
  - d. whereas, in line with the considerations set out in paragraphs a, b, and c above, there exists a need to enact a Decree of the Chief of the Indonesian National Police on the Implementation of Human Rights Principles and Standards in the Discharge of the Duties of the Indonesian National Police.

- Recalling :
1. Article 28 of the Indonesian 1945 Constitution;
  2. Law Number 8 of 1981 on Penal Procedural Code (State Gazette of the Republic of Indonesia Year 1981 Number 76, Supplemental State Gazette of the Republic of Indonesia Number 3209);
  3. Law Number 7 of 1984 on the Ratification of Convention on the Elimination of All Forms of Discrimination Against Women (State Gazette of the Republic of Indonesia Year 1984 Number 29, Supplemental State Gazette of the Republic of Indonesia Number 3277);
  4. Law Number 3 of 1997 on Child Court (State Gazette of the Republic of Indonesia Year 1997 Number 3, Supplemental State Gazette of the Republic of Indonesia Number 3668);
  5. Law Number 5 of 1998 on the Ratification of the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (State Gazette of the Republic of Indonesia Year 1998 Number 164, Supplemental State Gazette of the Republic of Indonesia Number 3983);
  6. Law Number 9 of 1998 on the Freedom to Express Opinions in Public (State Gazette of the Republic of Indonesia Year 1998 Number 181, Supplemental State Gazette of the Republic of Indonesia Number 3789);
  7. Law Number 29 of 1999 on the Ratification of the Convention on the Elimination of Racial Discrimination (State Gazette of the Republic of Indonesia Year 1999 Number 83, Supplemental State Gazette of the Republic of Indonesia Number 3852);
  8. Law Number 39 of 1999 on Human Rights (State Gazette of the Republic of Indonesia Year 1999 Number 165, Supplemental State Gazette of the Republic of Indonesia Number 3886);
  9. Law Number 26 of 2000 on the Human Rights Tribunal (State Gazette of the Republic of Indonesia Year 2000 Number 165, Supplemental State Gazette of the Republic of Indonesia Number 3886);
  10. Law Number 2 of 2002 on the Indonesian National Police (State Gazette of the Republic of Indonesia Year 2002 Number 2, Supplemental State Gazette of the Republic of Indonesia Number 4168);
  11. Law Number 23 of 2002 on the Protection of the Child (State Gazette of the Republic of Indonesia Year 2002 Number 109, Supplemental State Gazette of the Republic of Indonesia Number 4235);

12. Law Number 23 of 2004 on the Elimination of Domestic Violence (State Gazette of the Republic of Indonesia Year 2004 Number 95, Supplemental State Gazette of the Republic of Indonesia Number 4419);
13. Law Number 11 of 2005 on the Ratification of the International Covenant on Economic, Social and Cultural Rights (State Gazette of the Republic of Indonesia Year 118, Supplemental State Gazette of the Republic of Indonesia Number 4557);
14. Law Number 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights (State Gazette of the Republic of Indonesia Year 2005 Number 119, Supplemental State Gazette of the Republic of Indonesia Number 4558);
15. Law Number 13 of 2006 on Protection for Witnesses and Victims (State Gazette of the Republic of Indonesia Year 2006 Number 64, Supplemental State Gazette of the Republic of Indonesia Number 4635);
16. Law Number 21 of 2007 on the Elimination of the Crime of Trafficking in Persons (State Gazette of the Republic of Indonesia Year 2007 Number 58, Supplemental State Gazette of the Republic of Indonesia Number 4720);
17. Government Regulation Number 2 of 2002 on Procedure for the Protection of Witnesses and Victims (State Gazette of the Republic of Indonesia Year 2002 Number 6, Supplemental State Gazette of the Republic of Indonesia Number 4171);
18. Government Regulation Number 3 of 2002 on Procedure for the Disbursement of Compensation, Restitution, and Rehabilitation to Victims of Gross Human Rights Violation (State Gazette of the Republic of Indonesia Year 2003 Number 7, Supplemental State Gazette of the Republic of Indonesia Number 4172);
19. Presidential Decree Number 36 of 1990 on the Ratification of the Convention on the Rights of the Child.

**HAVE DECIDED:**

To enact:

**DECREE OF THE CHIEF OF THE INDONESIAN NATIONAL POLICE  
REGARDING IMPLEMENTATION OF HUMAN RIGHTS PRINCIPLES  
AND STANDARDS IN THE DISCHARGE OF THE DUTIES OF THE  
INDONESIAN NATIONAL POLICE**

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1**

In this Regulation, the following terms carry the meaning as defined below:

1. Human Rights are rights inherently attached to a human as a creature of God and which constitute His blessing that must be respected, upheld and protected by the state, law, government and every person, to ensure the self-respect and protection of the honor and dignity of people.
2. Human Rights for law enforcement officers are the principles and standards of Human Rights that universally apply to all officers of the law in the performance of their duties.
3. Indonesian National Police, to be hereinafter referred to as INP, is a state apparatus charged with safeguarding public order and security, enforce the law, and provide protection, guidance and service to the people in order to maintain domestic security.
4. Personnel refers to members of the INP, to include civil servants working within the INP.
5. Officers, to be hereinafter referred to as INP Officers, are INP members carrying out police duties.
6. Ethics of service are values that underlies the provision of service and protection by the police as a law enforcement agency for the benefit of all members of society.
7. Human Rights Violation is any act committed by a person or a group of persons, including public officers, whether deliberate or unintentionally, or arising out of neglect, which unlawfully limits, obstructs, restricts and/or eliminates the human rights of a person or a group of persons guaranteed under the law, and which fails to receive, or is feared to not receive, legal resolution in just and proper manner, based on the prevailing due procedure of the law.
8. Code of Conduct is a set of guiding principles for law enforcement officers in the discharge of their duties to effect adherence with written and unwritten rules applied by the relevant unit.
9. Power is the capacity and ability of the police which constitute the professional ability of individuals/units and INP apparatus which can be utilized to apply force in order to perform policing duties in accordance with the relevant regulatory provisions.
10. Violence is any action or threat of action which causes the loss of life, physical disability, and psychological, sexual or economic suffering.
11. Use of force is any action or activity of the police involving the use of police power by a police officer in discharging his professional police duties.
12. Forced measure is a police action that is coercive or limits a person's human rights as provided under the Penal Procedural Code in the investigation of a case.

13. Weapon is any standard police equipment that can be used by INP officers in performing his duties allowing the use of forced measure by incapacitating, stopping, or impeding the action of a person or a group of persons.
14. Local culture is the custom, tradition, norm or value system that are still adopted by the local society in maintaining security, public order and peace within the local community.
15. Investigation is a series of investigative actions exercised in the manner as provided under the law with the aim of seeking and collecting evidence that will shed light on the crime that occurred and to identify a suspect.
16. Arrest is an action taken by an investigating officer in the form of a temporary removal of a suspect's or a defendant's freedom upon sufficient evidence in order to facilitate investigation or prosecution and/or court examination pursuant to the process provided under the law.
17. Detention is the placement of a person at a certain location by an investigator, public prosecutor, or judge in accordance with the process provided under the law.
18. Public order is a condition or situation where order prevails in accordance with the applicable regulations, which creates a sense of security and freedom from fear of disruption.
19. Immediate Victim is any person who has become an object of a crime for having been assaulted, robbed, raped, murdered or any other form of action.
20. Indirect Victim are members of the family or close relatives of the victim suffering from the crime.
21. Witness is a person who is able to provide a statement in the course of the investigation, prosecution or court trial regarding a criminal case, based on information heard, seen or experienced firsthand.
22. Site / Home Search is the action of entering a residential home or other enclosed premise by an investigator with the purpose of carrying out a search and/or seizure and/or arrest in accordance with the procedure set under the law.
23. Body Search is the action of conducting a search upon the body and/or clothing of a suspect by an investigator with the purpose of searching for an object that is strongly suspected of being upon or carried by such person, to be subsequently seized.
24. Seizure is a series of actions of the investigator to gain possession of a movable or immovable, tangible or intangible object for the purpose of producing evidence in an investigation, prosecution or trial.
25. Child is any person below 18 years of age, including a fetus in the womb.

## **Article 2**

- (1) The aim of this Kapolri Regulation is:
- a. To serve as a basic manual for the implementation of human rights principles and standards in every discharge of the INP's duties; and
  - b. To explain the basic principles of human rights to render them easily understood by every INP personnel from the lowest levels to the highest in the discharge of the INP's duties throughout Indonesia.
- (2) The objectives of this Kapolri Decree are :
- a. to ensure understanding of the basic principles of human rights by all tiers of the INP to allow them to observe these principles in the performance of their duties;
  - b. to guarantee a change in the thinking, attitude and conduct to conform with the basic principles of human rights;
  - c. to ensure application of human rights principles and standards in every implementation of the INP's duties, preventing hesitation by every INP personnel in taking action; and
  - d. to serve as guideline to ensure that the formulation of INP policies will always be guided by human rights principles and standards.

## **Article 3**

The principles of human rights protection include:

- a. minimum protection;
- b. inherence to humans
- c. interrelated;
- d. inseparable;
- e. indivisible;
- f. universal;
- g. fundamental;
- h. just;
- i. equality of right;
- j. freedom;
- k. non-discrimination; and
- l. special treatment for special needs groups (*affirmative action*).

#### **Article 4**

The basic concepts of human rights protection are, among others:

- a. all persons are born free and possess equal honor and dignity, blessed with reason and conscience and the right to interact in a spirit of brotherhood;
- b. every person is entitled to all rights and freedoms as stated in the international and national human rights instruments without exception, such as [freedom from] discrimination based on race, color, gender, language, religion, political or other views, nationality or community of origin, possession, birth or other status;
- c. other human rights can only be limited by the provisions of the law, for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society;
- d. to protect, promote, respect and fulfill human rights is the responsibility of the state, particularly the government;
- e. every person is entitled to recognition, protection, respect and fulfillment of his/her human rights;
- f. human rights constitute the underlying principle of justice as a bridge towards a civilized conduct created and recognized by the international community;
- g. Human rights have been codified in international laws and recognized by international justices and constitute a part of the laws and policies of the world's countries.
- h. Human rights transcends race, ethnic background, ideology, culture/religion/faith, philosophy, social status, and gender/sexual orientation, but rather emphasizes commitment for mutual respect and creation of a civilized world; and
- i. Human rights constitute a means for "all the people of the world", whether those who are weak or strong, to provide legitimacy to the needs and aspirations of the people and therefore is above the interest of any class of society.

## **CHAPTER II**

### **INSTRUMENT OF HUMAN RIGHTS PROTECTION**

#### **Article 5**

- (1) Instruments of Human Rights protection that need to be observed by INP personnel in the discharge of their duties pursuant to Article 27, Article 28 and Article 29 of the Indonesian 1945 Constitution cover:
  - a. the right of every person to live, preserve their life and livelihood;
  - b. the right to raise a family and bear descendants;

- c. the right of the child to life, growth and development and to protection from violence and discrimination;
- d. the right to be free to have a religion and worship according to such religion;
- e. the right to a belief, express opinion and act according to conscience;
- f. the right to recognition, guarantee, protection, and certainty of law in a just manner;
- g. the right to be recognized as a person before the law;
- h. the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality and fairness;
- i. the right [to participate] in law and government;
- j. the right to participate in the defense of the country;
- k. the right to receive equal opportunity in government;
- l. the right to an employment, to choose employment and decent livelihood;
- m. the right to work and receive salary and fair treatment in an employment relationship;
- n. the right to self-develop through the fulfillment of basic necessities;
- o. the right to education and to receive benefit from science and technology, art and culture;
- p. the right to assemble and associate, express opinions in writing and verbally;
- q. the right to develop one's self in the struggle to have his/her rights fulfilled;
- r. the right to a citizenship status or to choose a nationality;
- s. the right to choose a place of residence within the country and to leave and return;
- t. the right to political asylum from another country;
- u. the right to protection of his/herself, family, honor, dignity, and property;
- v. the right to be free from torture;
- w. the right to be free from slavery;
- x. the right to choose education;
- y. the right to associate, assemble and voice opinions;
- z. the right to communicate and receive information;
- aa. the right to a sense of security and protection from the threat of fear to act or not to act;
- bb. the right to be free from torture or degrading treatment;
- cc. the right to physical and mental prosperity;



- dd. the right to reside and live in a decent and healthy community;
- ee. the right to freedom of thought and conscience;
- ff. the right to receive medical service;
- gg. the right to social security;
- hh. the right to own personal property, and such property may not be seized unjustly;
- ii. the right to be free for discriminative treatment
- jj. the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.

(2) Human rights that are non-derogable by any person under any circumstances:

- a. right to live;
- b. right to be free from torture;
- c. right to express opinions and conscience;
- d. right to adopt a religion;
- e. right to be free from slavery;
- f. right to recognition as a person before the law;
- g. right to be free from retroactive prosecution; and
- h. right to not be imprisoned due to inability to perform a contractual obligation.

### **Article 6**

Human rights as provided under Article 5 paragraph (1) which fall under the duties of the INP include:

- a. right to justice: every person, without discrimination, has the right to obtain justice through the filing of application, complaint and suit, whether in a criminal, civil or administrative proceedings, and be granted due process of the law, free and impartial, in accordance with the procedural code which ensures objective examination by a court that is fair and just in order to procure a fair and proper judgment;
- b. right to personal freedom: every person is free to choose and adopt a political belief, express their opinion in public, adopt a religion, be free from slavery, choose their nationality without discrimination, travel and domicile within the territory of the Republic of Indonesia;
- c. right to a sense of security: every person has the right to protection of their self, family, dignity, honor, and property and be protected from the threat of fear to act or not to act;
- d. right to be free from illegal arrest, free from forced disappearance;

- e. special rights of women: special protection for women from the threat and commission of a crime, violence and discrimination occurring inside or outside the home, perpetrated solely on the grounds of gender;
- f. special rights of children: special protection/treatment for children who are victims or perpetrator of a crime and children who are undergoing legal proceedings, namely: the right to non-discrimination, the best interest of the child, the right to live, the right to sustain a living, and to grow and receive recognition of the opinion of the child;
- g. special rights of indigenous people; and
- h. special rights of minority groups, such as ethnic and religious groups, disabled persons, and sexual orientation.

### **Article 7**

Every INP personnel must have an understanding of international instruments on the minimum standards of citizen protection, which directly or indirectly govern the relationship between the INP and human rights, to include:

- a. International Covenant on Civil Political Rights (ICCPR).
- b. International Covenant on Social Economic Rights.
- c. International Convention on the Elimination of All Forms of Racial Discrimination (1965).
- d. Convention for the Elimination of Discrimination Against Women (1981).
- e. Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT, 1984).
- f. Convention on the Rights of the Child (CRC, 1990)
- g. International Convention for the Protection of All Persons from Enforced Disappearance (2006)
- h. Resolution of the United Nations General Assembly Number 34/169 on Code of Conduct for Law Enforcement Officials (1979).
- i. Resolution of the United Nations General Assembly Number 43/174 on Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988).
- j. Resolution of the United Nations Number 37/194 of 1982 on Principles of Medical Ethics for the Protection of Prisoners
- k. Resolution of the United Nations General Assembly Number 45/110 of 1990 on Standard Minimum Rules for Non-Custodial Measures ("Tokyo Rule")
- l. Standard Minimum Rules for the Administration of Juvenile Justice (1985)

- m. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)
- n. Declaration on the Elimination of Violence Against Women (1993).
- o. Declaration of the Defense of Human Rights (1998)
- p. Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989/65, May 1989)
- q. United Nation Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violation of International Humanitarian Law, 2005; dan
- r. United Nation Basic Principles on the Use of Force and Firearms by Law Enforcement, 1980

#### **Article 8**

- (1) Every INP personnel must be familiar with human rights instruments that are incorporated both in national and international laws, ratified or unratified by Indonesia.
- (2) In accordance with the principle of respect for human rights, every INP member in discharging his/her duties or in the course of their daily lives must protect and respect human rights, or at least:
  - a. respect the dignity and human rights of every person;
  - b. act justly and non-discriminatory;
  - c. act civilly;
  - d. respect religious norms, ethics and mores; and
  - e. respect local customs, insofar as they do not contravene the law and human rights.

#### **Article 9**

- (1) In discharging their duties of serving and protecting the public, every INP personnel must observe the principles of:
  - a. legality;
  - b. necessity; and
  - c. proportionality
- (2) The principle of legality as mentioned in paragraph (1) entails that every action of an INP personnel must follow the prevailing procedure and law, whether national or international.

- (3) The principle of necessity as mentioned in paragraph (1) entails that every action of an INP personnel must be based on the need to enforce the law, which requires the officer to carry out an action which limits the freedom of a person when facing unavoidable circumstances.
- (4) The principle of proportionality as mentioned in paragraph (1) entails that every action of an INP personnel must constitute a balance between the action taken and the threat facing the officer.
- (5) Every implementation of the principles as described in paragraphs (2), (3) and (4) must be accountable.

**CHAPTER III**  
**STANDARDS OF CONDUCT OF INP OFFICERS/PERSONNEL**  
**IN LAW ENFORCEMENT**

**Article 10**

In carrying out their duties of enforcing the law, every INP personnel must comply with the code of conduct as set out in Article 7 sub-article 7 as follows:

- a. at all times fulfill the duty imposed upon them by law;
- b. in the performance of their duty, respect and protect human dignity;
- c. refrain from using force unless absolutely necessary to prevent crime, or conduct an arrest in accordance with regulatory provisions concerning the use of force;
- d. matters of a confidential nature in the possession of law enforcement officials shall be kept confidential , unless the performance of duty or the needs of justice strictly require otherwise;
- e. refrain from instigating or tolerating any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war as a justification of torture;
- f. ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required;
- g. refrain from committing any act of corruption or other form of abuse of authority that conflicts with their profession as law enforcement officers;
- h. Respect the law and the present Code of Ethics.

### **Article 11**

- (1) Every INP officer/personnel shall not commit:
  - a. arbitrary and unlawful arrest and detention;
  - b. torture of detainees or person suspected of being involved in a crime;
  - c. sexual abuse or violence perpetrated against *detainee* or persons suspected of being involved in a crime;
  - d. inhumane and degrading punishment and/or treatment;
  - e. corruption and bribe taking;
  - f. obstruction of justice or obscuring a crime;
  - g. unlawful corporeal action and punishment;
  - h. inhumane treatment against a person reporting a human rights violation committed by another person;
  - i. unlawful conduct of seizure and/or confiscation;
  - j. use of excessive violence and/or firearms.
- (2) Any INP member who commits a human rights violation shall be held accountable in accordance with the police code of ethics, discipline and the prevailing regulatory provisions.

## **Part Two Standard of Conduct of INP Officer/personnel In Policing Actions**

### **Section 1 Investigation**

#### **Article 12**

- (1) In order to carry out police functions, every INP personnel may take investigative actions pursuant to the applicable laws and regulations.
- (2) The exercise of the investigative function as referred to in paragraph (1) must be based on a duly issued warrant, except in pressing circumstances as instructed by the authorized commanding officer.
- (3) In carrying out an investigation, every officer must respect the applicable norms, act in a humane manner and perform his/her duties in accordance with the police code of ethics.
- (4) In carrying out an investigation, an officer shall be prohibited in employing excessive force which may harm other persons.

**Article 13**

- (1) In carrying out an investigation, every INP officer are prohibited from:
  - a. applying intimidation, threat, physical, psychological or sexual torture in order to elicit information, statement or confession;
  - b. cause or instigate another person into committing an act of violence outside the due process of the law or in an arbitrary fashion;
  - c. disclose confidential information of disputing persons;
  - d. manipulate or lie in preparing or conveying the investigation report;
  - e. fabricate a report with the aim of obscuring an investigation or distort the truth;
  - f. commit an action with the aim of seeking a reward from a disputing person.
- (2) Every INP personnel is prohibited from:
  - a. reject a report or complaint filed by the public without legitimate grounds;
  - b. refuse to provide assistance to a person in need of assistance or seeking justice without legitimate grounds.

**Section 2**

**Summon**

**Article 14**

- (1) In issuing a summon, an officer shall:
  - a. provide sufficient time for the person being summoned to prepare an appearance at least two days prior to the scheduled date and ensure that the notice of summons has been duly received by the person being summoned (pursuant to the Procedural Code);
  - b. ensure that the notice of summons must state the identity of the person being summoned, the subject matter of the case giving rise to the summon, status of the person, reason for the summon, day, date and time of appearance, address of the summon, date of the notice of summons, name and signature of the summoning officer, and the name, status and signature of the receiver of the summons;
  - c. ensure that the summons is effected for police purposes and within the limits of the officer's authority;
  - d. forthwith provide service to the person appearing in response to the summons;
  - e. observe and respect the rights and interest of the person being summoned;
  - f. take into consideration any cause for a postponement with due wisdom, in the case where the person being summoned cannot appear on the set date due to legitimate reasons;

- (2) In issuing a summon, the following shall be prohibited:
- a. issue a summon in an arbitrary fashion inconsistent with prevailing regulatory provisions;
  - b. failing to provide sufficient time for the person being summoned to prepare for an appearance;
  - c. prepare a notice of summons which contains error of content or format, thereby causing ambiguity for the person being summoned;
  - d. issue a notice of summons with the intent of intimidating the targeted person or for personal intentions beyond the officer's scope of authority;
  - e. neglecting or failing to immediately service the person appearing in response to notice of summons;
  - f. abusing or failing to respect the rights and interest of the person being summoned.

### **Section 3**

#### **Arrest**

#### **Article 15**

- (1) An arrest, which is essentially the removal of a person's freedom, can only be exercised in accordance with the applicable laws.
- (2) An arrest may only be effected during the implementation of police duties upon the following causes:
- a. there is strong supposition that a person has committed a crime;
  - b. to prevent a person from committing a crime; and
  - c. to maintain public order within society.
- (3) The main objective of arrest in relation to an act of crime is to bring the suspect before the court in order to have his/her charges determined.
- (4) In addition to the purposes as described in paragraph (3), an arrest may be exercised by INP officers to provide protection to persons who under the law need to be protected (Law on the Protection of Witnesses Victims).

#### **Article 16**

- (1) During the conduct of an arrest, the following must be taken into consideration:
- a. Proportionality of the action taken with the threat posed;
  - b. Respect/observance of the rights of the accused in custody;
  - c. The arrest does not constitute a punishment of the accused.
- (2) An suspect in custody must be treated as innocent until proven guilty by a court of law (presumption of innocence).

**Article 17**

- (1) In conducting an arrest, an officer must:
  - a. inform/ present his/her identity as an INP officer;
  - b. present a warrant for arrest, except where the suspect was caught during the commission of a crime;
  - c. inform the reason for the arrest;
  - d. explain the charges and the possible punishment to the suspect upon arrest;
  - e. respect the legal status of a minor perpetrating a crime and inform the parent or guardian immediately following the arrest;
  - f. protect the privacy of the suspect in custody; and
  - g. inform the suspect of his rights and how to exercise such rights, consisting of the right to remain silent, receive legal support and/or accompanied by a legal counsel, and other rights provided under the Penal Procedural Code.
- (2) Following an arrest, an officer must prepare a report of the arrest which states:
  - a. name and identity of the officer making the arrest;
  - b. name and identity of the person under arrest;
  - c. location, date and time of arrest;
  - d. reason for arrest and/or charges;
  - e. place of temporary detention during custody;
  - f. health condition of the person under arrest.

**Article 18**

- (1) If the person under arrest does not understand the language used by the officer, the person is entitled to a translator free of charge.
- (2) If the person under arrest is of a foreign nationality, the arrest must forthwith be notified to the embassy, consulate, or other diplomatic mission of the country of origin, or the competent international organization if the person being arrested is a refugee or under the protection of an inter-governmental organization.

**Article 19**

If the person under arrest is a minor, the following special rights of the child must be taken into consideration:

- a. the right to be accompanied by the parents or guardian;
- b. the right to have his/her identity kept confidential in order to avoid any injury or harm which may otherwise occur;
- c. the right to be assigned a special child escort;



- d. the right to be examined in the Special Service Room;
- e. the right to be placed separately from adult detainees; and
- f. the right to be applied special procedures for juvenile protection and court procedure.

#### **Article 20**

If the person under arrest is a female, the following special rights of the detainee must be taken into consideration:

- a. the examination must be conducted by a female officer or an officer with gender perspective;
- b. the examination must be conducted within a special examining room;
- c. protection of privacy and non-disclosure;
- d. special treatment;
- e. segregation from male detainees; and
- f. application of special procedure for the protection of women.

#### **Article 21**

In order to affect a lawful, effective and humane arrest, every INP personnel shall:

- a. understand the relevant statutes and regulations, especially those relating to the authority and procedure of arrest as well as the limit of their authority;
- b. possess technical ability to conduct an arrest in accordance with the law;
- c. apply due procedures to prepare for an arrest, implement the arrest and carry out actions subsequent to the arrest;
- d. exercise wisdom and discretion to ensure a humane course of action, in respect of the proper time to conduct the arrest, method of arrest in relation to the status of the person being arrested, such as minors, adults, senior citizens or male and female.

#### **Section 4**

#### **Detention**

#### **Article 22**

- (1) With the aim of respecting Human Rights, detention must observe the following standards:
  - a. Every person has the right to liberty and personal security;
  - b. No person shall be arbitrarily arrested or detained;
  - c. No person shall be deprived of their liberty taken except on certain grounds and only in accordance with due procedure under the law.

- (2) Detention may only be carried out pursuant to the law and using procedures as set forth in the relevant regulatory provisions.
- (3) A detainee whose freedom has been removed must continue to be treated as innocent pending a judgment having permanent binding legal force.

### **Article 23**

- (1) Detention must at all times observe international human rights principles and standards as follows:
  - a. any person whose freedom has been removed must continue to be treated with humanity and respect for the inherent dignity of the human person;
  - b. any person accused of a crime must be presumed innocent until proven guilty by a court judgment;
  - c. a suspect/detainee is entitled to an explanation of the cause of arrest and the charges initiated against him;
  - d. prior to trial, a suspect may be released from detention subject to certain guarantees and on special grounds, including:
    - 1) the person undertakes to not repeat the crime;
    - 2) the person undertakes to not destroy evidence;
    - 3) the person will not attempt an escape.
  - e. a detainee shall not be tortured, treated in a cruel and inhumane manner, receive degrading treatment or punishment, or subjected to other threats;
  - f. a person may only be detained in an official detention facility; families and legal counsel of the detainee must be informed of the location and status of detention;
  - g. a detainee has the right to legal counsel;
  - h. a detainee has the right to communicate and have access to communicate with his/her family;
  - i. a detainee has the right to adequate medical service and have his/her medical records maintained;
  - j. a detainee must have his/her right to communicate with his/her legal counsel fulfilled;
  - k. a detainee who lacks understanding of the language used by the authorities responsible for the detention has the right to receive information in a language he/she understands. If possible, a translator shall be provided without charge to prepare for trial;
  - l. a detainee who is a minor must be segregated from adult detainees, female detainees from male detainees, and suspects from convicted criminals;

- m. decision on the duration of detention and its lawfulness shall be made by the court or the competent authority;
- n. a suspect has the right to communicate with the outside world, receive family visits, and converse in private with a legal counsel;
- o. a suspect must be placed in a facility that is humane, designed to meet health requirements, with access to water, food, clothes, medical services, sport facilities and items of personal hygiene;
- p. a detainee has the right to practice worship according to his/her religion;
- q. every detainee has the right to appear before a court officer to be informed of the legality of his/her detention;
- r. the special rights and status of female and child detainees must be respected;
- s. a detainee shall not be compelled to give a confession and testify against him/herself or others;
- t. oversight must be implemented on the fulfillment of the rights of detainees;
- u. a detainee shall not be made as a medical or science test subject which may adversely affect his/her health regardless of a consent being given by such detainee;
- v. circumstance and condition of interrogation must be recorded in detail;
- w. a detainee shall be treated properly and segregated from convicts;
- x. an interview between a detainee and his/her legal counsel may be supervised but shall not be heard by law enforcement officers;
- y. if he/she so requests a detainee or imprisoned person may be placed in a facility that is located close to his/her place of residence, if feasible.

#### **Article 24**

In effecting detention, an officer shall be prohibited from:

- a. abuse his/her investigative powers to commit physical torture on a person;
- b. make threats or commit physical, psychological and/or sexual violence on a suspect in order to extract a statement or confession;
- c. commit harassment, insult or other actions that may be derogatory to human dignity;  
and
- d. request a reward or commit extortion on the detainee.

**Article 25**

In performing detention of a child, the officer must take into account:

- a. the detention should be exercised in pressing circumstances and only as a last resort;
- b. the right of the child to receive education opportunity and to grow/develop during custody;
- c. segregation from adult detainees; and
- d. application of special procedures for the juvenile protection and court proceedings.

**Article 26**

In performing detention of a female, the officer must take into account:

- a. detention in a special female detention facility;
- b. segregation from male detainees;
- c. protection of privacy;
- d. right to protection and facilities relating to the reproductive rights of women; and
- e. application of special procedures for the protection of women.

**Article 27**

- (1) In conducting an examination of a witness, suspect or examination subject, the examining officer must:
  - a. provide opportunity to the witness, suspect or examinee to contact and be accompanied by a legal counsel prior to the commencement of the examination;
  - b. conduct the examination in a timely manner in accordance with the scheduled time;
  - c. commence the examination by enquiring the health condition and preparedness of the examinee;
  - d. explain the status of the examinee and purpose of the examination;
  - e. ask questions in a clear, polite and easily understood language;
  - f. ask questions that are relevant to the purpose of the examination;
  - g. observe and respect the right of the examinee/witness to provide a statement in a free manner;
  - h. respect the rights of the witness/examinee to refuse to provide a statement on matters of confidence in regards to his/her profession;

- i. conduct the examination within a duration as necessary, taking into consideration the condition and willingness of the examinee;
  - j. provide opportunity for the examinee to rest, worship, eat, and attend to personal needs in accordance with the prevailing regulations;
  - k. record in the examination report all statements given by the witness/examinee in accordance with the purpose of the examination;
  - l. read the report of the examination to the examinee in an understandable language before concluding the examination;
  - m. have the examination report signed by the examining officer, the examinee/witness and/or the person witnessing the examination process;
  - n. provide opportunity to the witness or suspect to provide additional statement even after conclusion of the examination.
- (2) In conducting an examination of a witness, suspect or examinee, the examining officer shall not:
- a. examine the witness, suspect or examinee prior to their being accompanied by a legal counsel, except upon their consent;
  - b. unreasonably delay the examination in prejudice of the interest of the examinee;
  - c. fail to enquire the health condition and preparedness of the examinee at the onset of the examination;
  - d. omit to explain the status of the examinee and the purpose of the examination;
  - e. ask questions that are difficult to understand for the examinee, or in a harsh voice, or in an intimidating or threatening manner;
  - f. ask questions that are unrelated and irrelevant to the purpose of the examination;
  - g. abuse, degrade or disrespect the rights of the examinee;
  - h. exercise violence or make threats of violence, whether physical or psychological, with the purpose of extracting statement, information or confession;
  - i. force the examinee/witness to provide information regarding confidentiality matters relating to the examinee's/witness's position;
  - j. persuade, affect or deceive the person being examined to commit or not commit an action which may adversely affect his/her rights;
  - k. conduct the examination during nighttime without the presence of legal counsel and without legitimate grounds;
  - l. deny opportunity from the examinee to rest, worship, eat and attend to other personal needs without legitimate grounds;

- m. manipulate the result of the examination by omitting parts of statement or modify the statement given by the examinee, in a manner which deviates from the purpose of the examination;
- n. deny the witness opportunity to present a favorable witness for examination;
- o. obstruct the legal counsel from providing legal assistance to the witness/defendant being examined;
- p. carry out the examined at a location which contravenes the provisions of the law;
- q. fail to read the result of the examination to the examinee in an understandable language prior to concluding the examination;
- r. fail to sign the examination report, and have the same signed by the examinee or the person witnessing the course of the examination.

#### **Article 28**

In conducting examination of a child, the officer must take into consideration:

- a. the right to be assigned a special child escort;
- b. the right to be accompanied by the parents or guardian; and
- c. application of special procedures for the juvenile protection and court proceedings.

#### **Article 29**

In performing detention of a female, the officer must take into account:

- a. detention in a special female detention facility;
- b. protection of privacy;
- c. the right to be accompanied by a social worker or another professional in addition to a legal counsel; and
- d. application of special procedures for the protection of women.

#### **Section 6**

#### **Investigation at the Crime Scene**

#### **Article 30**

- (1) In processing a crime scene, the examining officer shall:
  - a. examine the crime scene in accordance with the relevant laws and regulations;
  - b. conduct the examination with thoroughness with the aim of collecting information, gathering evidence, maintaining the integrity of the crime scene and examine all objects relevant to the purpose of the crime scene examination;

- c. seal the crime scene and prohibit any unauthorized person from entering the premises in a reasonable, firm and polite manner;
  - d. seek information material to the resolution of the case from persons at the crime scene in a polite manner;
  - e. conduct measures at the crime scene only for the interest of duty within the officer's scope of authority;
  - f. observe and respect the rights of persons to provide statement in a free manner;
  - g. conduct the examination within the necessary time and reopen the crime scene after processing has been concluded;
  - h. record all information and statement acquired at the crime scene in the crime scene examination report;
  - i. sign the examination report, and have the same signed by the examinee/witnesses and/or person witnessing the crime scene examination.
- (2) In examining a crime scene, the examining officer shall not:
- a. engage in careless conduct which may jeopardize the integrity of the crime scene and other objects;
  - b. seal off the crime scene in an excessive fashion (in terms of duration and physical boundaries) and/or conduct other measures that are irrelevant to the interest of the examination;
  - c. engage in arrogant conduct, limit the rights of a person or group that are irrelevant to the purpose of the crime scene examination;
  - d. conduct actions at the crime scene beyond his/her authority;
  - e. fail to observe/respect the rights of persons at the crime scene;
  - f. deliberately prolonging examination of the crime scene and/or failing to reopen the crime scene despite the examination having been concluded.

### **Article 31**

- (1) In examining a vehicle, the examining officer shall:
- a. clearly and politely inform the owner of the vehicle on the need to conduct an examination of the vehicle;
  - b. provide an apology and request the owner/ operator/ passengers willingness to have the examination conducted;
  - c. conduct the examination thoroughly in order to attain the objective of the examination in a sympathetic manner;

- d. conduct the examination using the appropriate techniques and methods for official duty within his/her authority;
  - e. observe and respect the rights of persons related to the vehicle: owner, passenger, operator;
  - f. conduct the examination within the necessary period and allow the vehicle to resume its journey upon conclusion of the examination;
  - g. convey appreciation for the examination;
  - h. record all statements and information including evidence acquired in the report.
- (2) In examining a vehicle, the examining officer shall not:
- a. conduct the examination without informing owner/operator of the vehicle regarding the need for such examination;
  - b. engage in arrogant conduct during the examination;
  - c. conduct the examination in an arbitrary manner with the aim of adversely affecting the person being examined;
  - d. conduct the examination in a careless fashion inconsistent with the proper method and procedure and/or outside the scope of his/her authority;
  - e. abuse or disrespect the rights of persons related to the vehicle: owner, passenger, operator;
  - f. deliberately prolonging the examination in order to adversely affect the person being examined and/or limiting his/her freedom.

## **Section 7**

### **Search of a Person and Place/Home**

#### **Article 32**

- (1) In conducting a search, the examining officer shall:
- a. inform regarding the need to conduct the search in a clear and polite manner;
  - b. offer an apology for the intrusion of privacy caused by the search;
  - c. present a warrant and/or identity of the officer;
  - d. conduct the search to achieve the intended objective in a thorough, polity, ethical and sympathetic manner;
  - e. conduct the search pursuant to the proper method and procedure for the interest of duty within the officers scope of authority;
  - f. observe and respect the rights of the person being searched;



- g. engage a female officer to conduct a search on a female person;
  - h. conduct the search within a period as necessary;
  - i. convey appreciation for the opportunity to conduct the search.
- (2) In conducted a search upon a person, the examining officer shall not:
- a. conduct the search without clearly informing the need to conduct such measure;
  - b. conduct the search in an excessive manner which results in the violation of privacy of the person being searched;
  - c. conduct the search in an impolite and unethical manner;
  - d. conduct the search in deviation of the standard method and procedure, and or going beyond the scope of his/her authority;
  - e. abuse and/or disrespect the rights of the person being searched;
  - f. prolong the search so as to cause adverse effect on the person being searched;
  - g. conduct a search on a female person by a male officer in an open space and in violation of the code of ethics.

### **Article 33**

- (1) In conducting a search of a place, the officer shall:
- a. meet all administrative aspect of the examination;
  - b. inform the local community leader regarding the need and target of the search;
  - c. inform the occupant of the need and objective of the search;
  - d. present a warrant and/or identity of the officer;
  - e. conduct the search to acquire an object or person in a thorough, polite, ethical and sympathetic manner and at all times accompanied by the occupant;
  - f. conduct the search in accordance with the proper method and procedure for the interest of duty and within the scope of authority;
  - g. apply search techniques that allow attainment of result in the optimum manner, which renders minimum damage and/or disruption of the rights of the person being searched;
  - h. if the object or person constituting the subject of the search has been found, ensure that the process of securing the evidence is witnessed by the person being searched or the local community leader;
  - i. convey appreciation for the opportunity to conduct the search;
  - j. prepare a minute of the search to be signed by the relevant officers, the person being searched and witnesses.

- (2) In conducting a search of a place, the officer shall not:
- a. fail to meet the administrative aspect of the examination;
  - b. fail to inform the local community leader of the need and object of the search;
  - c. fail to inform the occupant of the need and objective of the search;
  - d. conduct the search in an arbitrary fashion thereby causing material damage or loss on the part of the person being searched;
  - e. conduct the search outside official duty and his/her scope of authority;
  - f. conduct the search in an excessive fashion thus causing damage or disruption of the rights of the person being searched;
  - g. conduct collection of items without being witnessed by the person being searched or the community leader;
  - h. seize objects that have no relevant to the crime that occurred;
  - i. engage in arrogant conduct against the person being searched;
  - j. entrap the victim/suspect in order to fabricate evidence;
  - k. fail to prepare a minute of the search.

**Section 8**  
**Seizure of Evidence**  
**Article 34**

- (1) In seizing evidence, the officer shall:
- a. meet all administrative aspect of the investigation;
  - b. seize only items that has bearing on the investigation;
  - c. inform the purpose of the seizure to the owner;
  - d. apply technique and method of seizure which are inline with the provisions of the law;
  - e. maintain the seized evidence in accordance with the provisions of the law;
  - f. store the seized object at the state depository house; and
  - g. prepare a report on the seizure and provide a receipt of the items seized to the rightful person.
- (2) In conducting a seizure of evidence, the officer shall not:
- a. conduct seizure without fulfilling the necessary administrative requirements;
  - b. fails to communicate the purpose of the seizure;
  - c. conduct seizure of items that are irrelevant to the ongoing investigation;

- d. carry out the seizure in an unlawful manner;
- e. fail to provide a receipt of the items seized to the rightful person;
- f. fail to prepare a report following conclusion of the seizure;
- g. neglect the object that has been seized or fail maintain the object in accordance with the law;
- h. take possession of, own, use, and sell the object in an unlawful manner.

**CHAPTER IV**  
**HUMAN RIGHTS PROTECTION FOR CRIMINAL SUSPECTS**

**Part One**

**Presumption of Innocence**

**Article 35**

- (1) Any person charged with a crime has the right to be presumed innocent until proven guilty according to law in a public trial and accorded with all the guaranteed measures of defense.
- (2) Every INP personnel must understand the material notions embodied in the principle of presumption of innocence, in that:
  - a. decision of guilt or innocence shall only be made by the competent court of law, through a trial conducted in the due and proper manner and the defendant has been given all his guarantees for a defense;
  - b. the right to be presumed innocent until guilty by a court of law is a basic right to ensure a fair trial.
- (3) Every INP officer shall apply a presumption of innocence during the conduct of an investigation by treating all persons under arrest or in custody or who are free during the investigation as innocent persons.

**Part Two**

**Rights of the Suspect**

**Article 36**

The suspect shall have the following rights:

- a. to immediately be examined by investigators and have the case file transferred to the prosecutor;
- b. for the purpose of preparing a defense, to be informed in a clear and understandable language regarding the charges at the commencement of the investigation;

- c. during examination, to be free to give his/her statement to investigators;
- d. during examination, to receive at any time the assistance of a translator; in the event the suspect is mute and/or hearing impaired Article 178 of the Procedural Code will apply;
- e. for the purpose of defense, to receive legal assistance from one or more legal counsel for the duration and at every level of the investigation, in accordance with the method prescribed under the law;
- f. to choose a legal counsel;
- g. in the event the suspect is charged with a crime punishable by death or imprisonment of fifteen years or more, or cannot afford a legal counsel and is facing a possible punishment of fifteen years or more and has not appointed a legal counsel, to have a legal counsel appointed by the authorities, and such appointed legal counsel shall render his/her service free of charge;
- h. in the case where the suspect is held in custody, to contact his/her legal counsel in accordance with the law;
- i. in the event the suspect is of foreign nationality and is held in custody, to communicate with the representative of his/her country with respect to the case at hand;
- j. in the event the suspect is held in custody, to contact and receive visits by a personal physician for medical purposes, whether or not related to the proceeding at hand;
- k. in the event the suspect is in custody, to have his/her arrest informed by the competent authority to his/her relatives or other persons living at the same house or any other person whose assistance is required by the suspect in order to gain legal assistance or guarantee for suspension;
- l. to contact and receive visits from persons having family or other relationship with the suspect in order to acquire a guarantee for suspension of arrest or in order to gain legal assistance;
- m. to directly or through his/her legal counsel contact and receive visits from family members for purposes unrelated to the case in connection with the suspect's employment or family matters;
- n. to dispatch letters to his/her legal counsel, and receive letters from his/her legal counsel and relatives whenever needed, and to that end to be provided with stationeries;
- o. to not have his/her mail correspondence with his/her legal counsel or relatives screened by the investigators, prosecutors, judge or other detention facility officers, except when there is sufficient grounds to suspect that such correspondence has been misused;

- p. in the event the correspondence are screened or examined by investigators, to have such measures to be informed to the suspect and for such letter to be returned to the sender after having the word “reviewed” stamped onto the letter;
- q. to contact and receive visits from a religious figure;
- r. to submit and present witnesses and/or any person have expertise to provide a statement in favor of the suspect;
- s. to be free from the burden of proof; and
- t. to file for damages and rehabilitation in accordance with the provisions of the law.

### **Part Three**

#### **Right to a Fair Trial**

##### **Article 37**

- (1) Every person shall have equal right to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him.
- (2) To ensure that a person is tried in a fair manner, all investigations into the crime charged against such person must be conducted in an ethical manner (i.e. not through torture or other cruel and inhumane treatment) and in accordance with the laws and regulations applicable to such process of investigation.
- (3) Manifestation of treatment of a person receiving fair trial are as follows:
  - a. Every statement made by a person (witness or suspect) shall be recorded by the officer in charge of the case.
  - b. The officer shall respect the human rights of the witness and suspect.
  - c. The officer shall treat and provide service in a fair manner to the witness and suspect.
  - d. The officer shall provide opportunity to the witness or suspect to provide additional statements despite the conclusion of the examining session.

### **Part Four**

#### **Respect of the Dignity and Privacy of a Person**

##### **Article 38**

- (1) Every INP personnel in carrying out an investigation shall respect the dignity and privacy of a person, particularly during the examination of the witness, victim and suspect, search of a person, vehicle, scene of the crime, and the interception of correspondences and communications.
- (2) The principles as described in paragraph (1) include:

- a. every person shall have the right to protection from unlawful assault against his honor and reputation;
- b. every person shall have the right to protection of his privacy relating to confidential information on his family/household;
- c. every person shall have the right to protection of privacy in communicating with family members and/or legal counsel;
- d. no physical or mental pressure, torture, inhumane or degrading treatments shall be exerted on a suspect, witness or victim in obtaining information;
- e. no person shall be compelled to confess or to testify against themselves;
- f. victims and witnesses are to be treated with compassion and consideration;
- g. investigatory activities shall be conducted only lawfully and with due cause;
- h. neither arbitrary, nor unduly intrusive investigatory activities shall be permitted;

## **CHAPTER V**

### **HUMAN RIGHTS ORIENTED ENFORCEMENT OF PUBLIC ORDER AND SECURITY**

#### **Part One**

#### **Conduct of Officers**

#### **Article 39**

- (1) As a state apparatus in charge of maintaining public order, every INP personnel must understand his professional obligation to monitor situations that can potentially turn into serious disorders or carry high risk of threat against security and public order.
- (2) Every INP personnel shall :
  - a. treat victims, witnesses, suspects/detainees and every person requiring police services in a fair and professional manner in accordance with the law;
  - b. provide protection to claimants/witnesses/expert witnesses and suspects both physically and mentally from any form of threat and fear;
  - c. provide protection to members of society requesting assistance upon receiving threat or pressure from other persons;
  - d. take the necessary measure to protect lives, property and the community from all forms of civil disorder.
- (3) Every INP official must continually develop and enhance trainings for the benefit of his personnel, particularly with regard to methods of communication, negotiations, protection, guidance, safeguarding, issuance and public service.

### **Article 40**

In maintaining public order, no INP personnel shall:

- a. behave in an arrogant manner, act arbitrarily or harm public feeling thus eliciting antipathy or adverse impact on society;
- b. commit discriminative actions;
- c. protect an offender or a person whose legal proceeding is currently being handled;
- d. deliberately obscure the fault of the persons whose legal proceeding is currently being handled;
- e. demand reward from the community purportedly as compensation for protection or to cover operational costs in undertaking policing service;
- f. carry out illegal sting operations or without the proper official instruction or permission from the commanding officer;
- g. carry out illegal sting operations or police actions and disclosing activities that would violate the principle of presumption of innocence or privacy;
- h. deliberately leave a person in need of assistance to preserve his life or property;
- i. commit excessive police actions, thus potentially bringing harm to the community;

### **Part Two**

#### **Human Rights Protection During Emergencies**

### **Article 41**

- (1) In facing emergencies officially proclaimed by the competent authority, in line with Article 4 of the Covenant on Civil and Political Rights, INP personnel shall take action which may reduce or limit the civil and political rights of the people.
- (2) The state's obligation or civil and political rights which shall not be derogated in overcoming a situation of emergency involve the following rights:
  - a. the right to live
  - b. the right to be free from torture
  - c. the right to be free from slavery
  - d. the right to be free from imprisonment on the ground of inability to fulfill a contractual obligation;
  - e. the right to be declared free of guilt of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed
  - f. right to freedom of thought, conscience and religion.

- (3) Civil and political rights that can be derogated in addressing situations of emergencies as referred to in paragraph (1) are, among others:
  - a. the right to express one's opinion;
  - b. the right to elect and be elected;
  - c. the right to assemble/form union;
  - d. the right to have one's citizenship status revoked;
  - e. the right to information; and
  - f. the right to change location or domicile.
- (4) The actions as referred to in paragraph (1) are subject to the following conditions:
  - a. such action is strictly required during the emergency;
  - b. such action is in line with the INP's other obligations under international law;
  - c. such action shall not constitute discrimination solely on the ground of race, colour, sex, language, religion or social origin
- (5) The grounds and duration of an emergency situation must be announced to the public.

### **Part Three**

#### **Protection of Human Rights During Civil Disorder**

##### **Article 42**

- (1) During situations of civil disorder, every INP personnel shall perform their duties of maintaining public order in a professional manner with due respect and protection of rights that cannot be derogated at any time and in any circumstances.
- (2) During a situation of civil disorder, if the state limits the rights of the population, every INP personnel shall comply with the order from the state and continue to protect the fulfillment of other human rights.

##### **Article 43**

- (1) In seeking to overcome civil disorders, every INP personnel shall apply a series of actions, beginning from the least forceful or persuasive, before undertaking repressive actions or enforcement, in accordance with the principles of legality, necessity and proportionality.
- (2) In addressing civil disorder, no INP officer shall commit excessive action which may bring damage to the location of incident or the environment without legitimate grounds.
- (3) Any INP officer addressing a civil disorder shall at all times keep casualties and damage to minimum.



**Article 44**

- (1) No INP officer shall use force under the pretext of public interest or restoring public order.
- (2) INP officer are strictly forbidden to use force against persons who submits or has been taken into custody.

**Part Four**

**Use of Force and Firearms**

**Article 45**

Every INP officer in taking measures involving the use of force must take into consideration the following:

- a. non-violent actions and methods should be attempted first;
- b. use of force should only be practiced if strictly necessary;
- c. force may only be used for legitimate law enforcement;
- d. no exception nor grounds shall exist to permit the unlawful use of force;
- e. use and application of force must be proportional and only to achieve objectives permitted by law;
- f. use of power, firearms or equipment in applying force must be in proportion to the threat being faced;
- g. clear boundaries must be established for the use of firearms/equipment or the use of force;
- h. damage and injury resulting from the use of force must be kept to the minimum.

**Article 46**

- (1) All officers must be trained in the use of power, equipment and firearms that can be used in applying force.
- (2) All officers must be trained in non-violent techniques and methods.

**Article 47**

- (1) The use of firearms shall be allowed only if strictly necessary to preserve human life.
- (2) Firearms may only be used by officers:
  - a. when facing extraordinary circumstances;
  - b. for self defense against threat of death and/or serious injury;
  - c. for the defense of others against threat of death and/or serious injury;

- d. to prevent a serious crime that threatens the life of others;
- e. to restrain, prevent or stop a person who is committing will be committing an action that can endanger lives; and
- f. respond to a situation that endanger lives, where more persuasive measures are inadequate.

#### **Article 48**

Every INP officer in carrying out police action using firearms must abide by the procedure on the use of firearms as follows:

- a. The officer must understand the law enforcement principles of legality, necessity and proportionality.
- b. Prior to the use of firearms, the officer must issue clear warning by:
  - 1. identifying one's self as an officer or personnel of the INP on duty;
  - 2. provide verbal warning in a clear and firm voice to the subject to desist, raise his/her hands, or lay down his/her weapon; and
  - 3. provide sufficient time for the order to be carried out.
- c. In extremely pressing circumstances where a delay could result in the loss of life or gross injury of the officer or another person within the vicinity, the warning as described in sub-paragraph b is not necessary.

#### **Article 49**

- (1) Following the exercise of action using firearms, the officer shall:
  - a. report such use of firearms;
  - b. provide medical attention to any person sustaining gunshot wound;
  - c. notify the family or relatives of the injured or affected person; and
  - d. prepare a detailed report on the use of firearms.
- (2) If a person objects or feels adversely affected by the use of firearms by the officer as described in paragraph (1):
  - a. the officer shall provide a detailed explanation on the reason for the use of the firearms, what actions were taken and the result of such action;
  - b. the competent official must provide an explanation to the person who was adversely affected; and
  - c. investigation must be commenced in accordance with the law.

**CHAPTER VI**  
**PROTECTION OF HUMAN RIGHTS IN PROVIDING SERVICE TO THE COMMUNITY**

**Part One**

**Principle of Service to the Community**

**Article 50**

- (1) In providing service to the community, every INP personnel shall:
  - a. provide service in a fair and partial manner, without regard to ethnicity, religion, race, class, economic status and gender;
  - b. provide service with due consideration of the aspiration and needs of the community;
  - c. provide service with due consideration of the principles of equality before the law;
  - d. provide service with special treatment of vulnerable groups.
- (2) Every INP official shall effect supervision of service rendered to the community by his personnel, in order to ensure the application of the principles as set forth in paragraph (1).

**Part Two**

**Protection of Human Rights for Victims**

**Article 51**

- (1) A victim or witness in a case being processed in court shall be entitled to
  - a. equal and effective access to justice;
  - b. rehabilitation from the suffering caused by the crime or a miscarriage of justice;
  - c. damages;
  - d. access to relevant information concerning violations and reparation;
  - e. receive attentive treatment which demonstrates respect to dignity;
  - f. receive information on their role, timeframe, and progress of their case;
  - g. a guarantee of their privacy, as well as protection from intimidation and retribution; and
  - h. receive material, medical, psychological and social assistance from the government or volunteers.
- (2) In order to enhance fulfillment of the victim's or witness' rights, the INP engages in cooperation, coordination and synergy with the relevant agencies.

**Article 52**

Every INP officer in providing service to victims must uphold and respect the dignity of the victim, through the following measures:

- a. demonstrate empathy in attending to the victims by giving attention to condition of the victim who is undergoing emotional trauma, particularly victims of abuse, rape, indecent acts, assault and robbery;
- b. demonstrate sincerity and seriousness in providing service to the victim;
- c. provide assistance and demonstrate empathy to victims of crimes;
- d. refrain from negative conduct that may further degrade the situation;
- e. refrain from taking on a cynical attitude or accusing the victim as having caused the crime to be committed:
- f. refrain from examining a person who is still in shock;
- g. provide opportunity to the victim to consult with a physician; and
- h. seek the assistance of a social worker or volunteer or legal assistance, if necessary.

**Article 53**

Every INP officer in providing service to the victim shall be prohibited from taking action that may adversely affect the victim, among others:

- a. demanding payment as compensation for services rendered;
- b. asking for money to cover operation costs to handle the case;
- c. force the victim to find evidence or present witnesses/the suspect; and
- d. neglect the victim or disregard his/her needs;
- e. intimidate, threaten or frighten the victim;
- f. undertake intervention/influence the victim into committing an unlawful act;
- g. unlawfully taking possession of the victim's property; and
- h. commit acts of violence.

**Article 54**

Every INP officer in providing service to the victim must maintain the victim's dignity and self-respect, through the following measures:

- a. show empathy and sincerity and seriousness in providing the service;
- b. refrain from insulting or accusing the witness as being the cause of the crime;
- c. refrain from questioning witnesses who is not medically fit or is in shock;
- d. provide opportunities to the witness as guaranteed by his/her rights; and
- e. inform the victim of the progress of the case.

**Article 55**

Every INP officer in providing service to the witness shall not:

- a. demand payment as compensation for services rendered;
- b. ask for money to cover operation costs to handle the case;
- c. force the witness to find evidence or present the suspect;
- d. neglect the witness delay the scheduled questioning session;
- e. disregard the needs of the witness;
- f. intimidate, frighten or threaten the witness;
- g. undertake intervention/influence the victim into providing a particular statement during the examination;
- h. restrict the rights or freedom of the witness;
- i. unlawfully taking possession of the victim's property; and
- j. commit acts of violence.

**Part Three****Protection of Human Rights for INP Members****Article 56**

- (1) Every INP member must be free from any unjust treatment from their superiors.
- (2) Every INP member who disobeys any order from their superior which clearly violates the law has the right for legal immunity.
- (3) Every INP member has the right to request legal protection from their superiors for any duties ordered by INP officials.

**Article 57**

- (1) Every INP official is obliged to be aware of the health conditions of their subordinates.
- (2) Every INP official is obliged to consider the capability of their subordinates with task been given to them.
- (3) Every INP official is prohibited to exploit their subordinates or order them to conduct acts for personal interest and outside of their authority.
- (4) Every INP official is obliged to provide protection of human rights for their subordinates, especially when conducting police duties.

- (5) Every INP official is obliged to provide sufficient work facilities for their subordinates, in order to avoid or reduce any possibility of any acts of human rights violation committed by their subordinates.
- (6) Every INP official is responsible for every consequence of their orders.
- (7) The responsibilities for any consequence of any duty mentioned in article (6) include criminal and administration responsibilities.

## **CHAPTER VII**

### **DEVELOPMENT AND SUPERVISION**

#### **Part one**

#### **Development**

##### **Article 58**

- (1) Every INP personnel must understand regulations on human rights.
- (2) Every INP personnel shall apply human rights principles in the performance of his duties.
- (3) Every INP personnel shall enhance their understanding and personal skill in applying human rights principles in the discharge of his duties.

##### **Article 59**

- (1) Every INP official shall effect development and enhancement of understanding of human right within his unit of duty.
- (2) Every competent INP official shall allocate budget for the development of human rights awareness and understanding among his jurisdiction.
- (3) Every INP official shall evaluate the progress of the development of human rights awareness and the capacity to apply them within his jurisdiction.

**Part Two**  
**Supervision**  
**Article 60**

- (1) Every INP official shall
  - a. undertake supervision on the implementation of human rights, particularly within his jurisdiction;
  - b. conduct an evaluation on his staff in applying human rights principles and provide recognition for those with exemplary performance;
  - c. effect corrective action to the conduct of his personnel which is not in line with the principles of human rights protection; and
  - d. apply punishment on INP personnel committing an action which contravenes the principles of human rights protection in the performance of his duties.
- (2) The punishment as referred to in paragraph (1) sub-paragraph d may be effected through disciplinary action, enforcement of police ethics and/or the criminal justice system.

**Article 61**

- (1) In order to increase the effectively of supervision of Human Rights implementation within the INP, various cooperation and coordination shall be engaged with the relevant agencies, academicians, and NGOs.
- (2) In the event of a criminal offense involving human rights committed by an INP personnel, an investigation shall be conducted in accordance with the law.

**CHAPTER VIII**  
**CONCLUDING PROVISIONS**

**Article 62**

This Regulation of the Chief of the INP consists of broad outlines governing the implementation of human rights in general and should be supplemented with more specific implementing guidelines for each function within the INP jurisdictions.

**Article 63**

Upon this regulation coming into force, all regulations regarding human rights principles standards shall continue to be effective insofar as they do not contravene this Regulation.

**Article 64**

This Regulation of the Chief of the INP shall come into force upon the date of its formalization.

In order to be known by the public, it is hereby ordered that this Regulation be published in the State Gazette of the Republic of Indonesia.

Formalized in Jakarta  
On 22 June 2009

**CHIEF OF THE INDONESIAN NATIONAL POLICE,**

**Drs. H. BAMBANG HENDARSO DANURI, M.M.**  
**GENERAL (POLICE)**

Promulgated in Jakarta  
On 22 June 2009

**MINISTER OF LAW AND  
HUMAN RIGHTS  
REPUBLIC OF INDONESIA**

**ANDI MATTALATTA**

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2009 NUMBER 150**