

THE STRATEGIES OF OPTIMIZING THE EFFORTS OF HANDLING SMALL ARMS AND LIGHT WEAPONS (SALW) SMUGGLING IN ORDER TO PREVENT SEPARATISMS AND MAINTAIN DOMESTIC SECURITY

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ABSTRACT

Domestic security and stability of a country play a very important role. Economy activities that are the lifeblood of people's lives will not run well if the domestic security and stability are in a chaotic situation and disrupted. Therefore, a national vigilance is needed. The study mainly discusses the strategies of optimizing the efforts of handling small arms and light weapons (SALW) smuggling in order to prevent separatisms so that domestic security can be established and maintained. The study employs the qualitative approach through case study method. Data are gathered by using literature study, interview and observation techniques. The data analysis techniques are data reduction, data presentation, and conclusion. Based on the findings of the study, it can be concluded that the organizational resources of the Indonesian National Police in dealing with SALW smuggling, in general, has been improved. However, there are—in certain aspects—several weaknesses, especially problems related to budgetary resources and infrastructures.

Keywords: *firearms, domestic security, smuggling*

1. INTRODUCTION

Article 1, letter 6 of Republic of Indonesia Law Number 2/ 2002 concerning the Indonesian National Police (Polri) states that domestic security is a condition which is marked by the guarantee of public order and security, law order and the implementation of protection and services to the community. Domestic security and stability of a country play

a very important role in developing the nation. The economy activities, which are the lifeblood of the people, will not run well if domestic security and stability are in a chaotic situation and condition and disrupted. Therefore, it is necessary to have a stable and well-established national vigilance. Such national vigilance is the nation's awareness and preparedness to look carefully at the

problems faced nationally, either in the forms of vulnerability or in the forms of threats, disturbances, obstacles and challenges, and being able to find open opportunities so that the nation can take appropriate measures and comprehensive decisions for the sake of the integrity of the Republic of Indonesia (Mupid, 2015). National vigilance is essentially a part of the efforts to maintain the domestic security where domestic security is a condition marked by the guarantee of security and public order, law order, and the organization of protection and services to the community. This means that if the domestic security of a country is stable and conducive, then the country can organize development processes as well as create public order and security for its people. The country can also guarantee protection and services for its community.

Currently, the issues of security and public order have been increasingly very crucial that is in line with the development of globalization which is marked by the rapid progress of technology and information that has made the world to become a big village or borderless world. Apart from this, the rapid development of globalization has also changed the characteristics of crimes. Such crimes used to occur in local or domestic sphere and they are now moving to regional and even international spheres. They are shifting to become transnational and dynamic as well as modern crimes. They have high mobility and escalation which are

increasingly progressing, both in terms of the modus operandi, space and dimensions. They are now popularly called transnational crimes. One of the examples of such crimes is the shooting of police officers, military officers and police posts that have occurred in Indonesia several times as reported in the mass media. The latest news in mass media is about two soldiers of Indonesian Armed Forces (TNI). They were shot dead by the armed criminal group in Papua on 22 January 2021 (www.tribunnews.com). Polri together with TNI have conducted several operations in the suspected areas and obtained some weapons that can be categorized as small arms and light weapons. Based on several investigations, it is then found that the weapons used by the perpetrators are illegal weapons that are obtained from smuggling activities.

The problem of the circulation and smuggling of illegal firearms or popularly known as arm smuggling, has emerged as a serious problem. The problems not only become internal issues but also become international issues because the effect of smuggling illegal firearms will increase the number of crimes and endanger the security of mankind. In general, illegal firearms are smuggled into Indonesian territory from the Philippines, Cambodia and Myanmar. They are transported using small ships that take the waters around Thailand, the Philippines and Malaysia. It is allegedly said that the increase of smuggling and illegal firearms

business activities have involved individuals, sub-national groups and non-state actors. Considering the increasing number of arms smuggling crimes, especially small arms and light weapons used in the conflicts and separatist acts above, it is necessary to take various anticipatory steps and to formulate the systematic and conceptual strategies. Each state apparatus, especially Polri must take the problems into account by referring to Law Number 2/2002 concerning Indonesian National Police. The law mandates Polri organization as a state apparatus that has the task of maintaining security and public order, law enforcement as well as protecting and serving the community to take stern and appropriate actions in order to handle the problems.

The study aims at determining the strategies of optimizing the efforts of preventing the crimes of smuggling small arms and light weapons in order to prevent separatisms so that domestic security can be established and maintained.

2. LITERATURE REVIEW

2.1. Competence

Some authors refer to Chomsky (1968) as the originator of the term of competence. However, Chomsky's contribution lies in the field of linguistics and he used the term in different ways from that of educational researchers. Other scholars refer to a definition stated by Messick (1984) who defines the word as _what an individual knows and can do in a certain subject area.

Later in the same paper, he states that competence is _what a person knows and can do under an ideal circumstance. The definitions contain the capacity to act and thus are related to the one frequently referred to in the German context which considers competence to be _context-specific dispositions for achievement that can be acquired through learning.

According to merriam-webster.com/dictionary/competence, competence is the quality or state of having sufficient knowledge, judgement, skill, or strength (as for particular duty in a particular respect). In the context of law, the same dictionary explains that competence is legal authority, ability or admissibility. Another dictionary, Collins, mentions that the word _competence' mean the ability to do something well or effectively (collinsdictionary.com/competence). Some scholars see _competence' as a combination of practical and theoretical knowledge, cognitive skills, behaviour and values used to improve performance or as the state or quality of being adequately or well qualified, having the ability to perform a specific role (en.wikipedia.org/wiki/competence).

The definition of competence, according to Spencer (2015) in his work -Competence of Human Resource is a characteristic that underlies a person related to the effectiveness of individual performance in their work or the basic

characteristics of individuals who have a causal relationship or as a cause and effect with criteria that are used as a reference, are effective or perform prime or superior in the workplace or in certain situations. Competency-Based Human Resource Management (MSDM-BK) is structured with the Knowledge, Skill and Attitude approach or called KSA approach (Moehariono, 2009: 3).

2.2. The Synergy of Polri and Other Institutions

The strategy of the operational activities of Polri in overcoming security disturbances is carried out through police activities and police operations. Indeed, such police activities and police operations are conducted in a directed and planned manner. The police activities and police operations are conducted by all elements of Polri and other supporting components in such an integrated and proportional manner. Therefore, Polri must establish cross-sectoral cooperation with ministries, agencies, government and non-government organizations, community leaders as well as international and regional institutions, especially international police organizations.

The implementation of the cross-sectoral cooperation between Polri and other relevant institutions is based on the existence of legal instruments, which include:

- a. Government Regulation Number 68/2008 concerning Procedures on the

Implementation of Police Relations and Cooperation.

- b. Presidential Regulation of the Republic of Indonesia Number 5/2010 concerning the National Medium-Term Development Plan for 2010-2014.
- c. Chief of Police Regulation Number 10/2006 concerning Guidelines on the Arrangement of a Memorandum of Understanding (MoU).

In carrying out the main duties of Polri through cooperation in the operational sectors, activities are carried out based on the following conditions:

- a. The activities must meet the principles of legality, obligation, preventive, participation, subsidiarity.
- b. The activities must prioritize proactive, preventive, law enforcement principles, uphold truth, justice and humanity, build partnerships, enhance relations and cooperation with elements of local government, law enforcement, agencies, institutions, other agencies by developing the principles of participation and subsidiarity.

2.3 Strategic Management

Linda Tucci in her paper published in searchcio.techtarget.com states that strategic management is the on-going planning, monitoring, analysis and assessment of all necessities an organization needs in order to meet its goals and objectives. Moreover, Tucci explains that changes in business environment will require organizations, including Polri,

to constantly assess their strategies for success. The strategic management processes will help organizations take stock of their present situation, chalk out strategies, deploy them and analyse the effectiveness of the implemented management strategies.

According to Moeheriono (2009: 2), strategic management is a plan that is prepared and managed by taking into account various sides. Moeheriono also states that the strategic management aims at emphasizing the influence of the plan on the impact on the application of such strategic concepts to the organization (2009: 3). The formulation of strategic management is to determine the vision, mission, goals, objectives, strategies, policies and the implementation of strategies.

Tucci also says, in the same paper, that strategic management must be based around an organization's clear understanding of its mission; its vision for where it wants to be in the future; and the value that will guide the organization's actions. The processes require a commitment to strategic planning, a subset of business management that involves an organization's ability to set both short-term goals as well long-term goals. Strategic planning also includes the planning of strategic decisions, activities, and resource allocation needed in order to achieve those goals.

Strategic management, based on a paper written by Will Kenton (investopedia.com/terms/s/strategic-

[management.asp](https://investopedia.com/terms/s/strategic-management.asp). 28 July 2020) is the management of an organization's resources to achieve its goals and objectives. Kenton also states the same thing with what Tucci does that strategic management involves setting objectives, analyzing the competitive environment, analyzing the internal organization, evaluating strategies, and ensuring that management rolls out the strategies around the organization.

3. METHOD

The author employs the qualitative research approach. The qualitative approach is one of the main approaches which is basically a label or just a general name from a large family of research methodologies (Bungin, 2003: 19). In this study, researchers only studies natural events or describes a condition as it is, which is related to the strategy of optimizing the efforts of preventing small arms and light weapons smuggling in order to prevent separatism from happening so that domestic security can be maintained. The method used by the author is the case study method. This method will involve us in a deeper investigation and thorough examination on the behaviour of an individual. The case study as a method used will focus the author on this phenomenon only without having to expand on things outside the problem

4. RESULTS

Current Conditions of Police Organizational Resources

4.1 Human Resources

1) Quantity

In terms of the number of personnel of the Directorate of General Crimes of the Criminal Investigation Department of Polri, indeed, the Directorate still needs more police investigators. Based on the DSPP (List of Personnel and Equipment), the Directorate should have 207 personnel. In fact, there are 187 personnel currently working in the Directorate.

2) Quality

a) Knowledge

- (1) Most of police investigators have a limited understanding on legal instruments and systems and procedures that serve as technical and tactical guidelines for combating arms smuggling.
- (2) Most of police investigators have a weak understanding on the technical mechanisms of investigation so that the implementation of such investigation is still using conventional and rigid methods. There is also a lack of creative breakthroughs (creative breaches in process) in order to optimize the efforts of preventing weapons smuggling including the use of information technology.

b) Skill

- (1) The limited understanding of most of police investigators on various laws can be used as a juridical basis for combating firearms smuggling, both *lex specialist* by using customs

laws, and *lex generalis* using the Indonesian Criminal Procedure Code.

- (2) Police investigators have not fully understood the predicated crime (the root of a crime) of weapons smuggling, especially if it is related to separatisms when they enforce laws on state and non-state actors.
- (3) The limited ability of personnel to carry out proper border control and appropriate raid inspections to those suspected of being the members of a firearm smuggling network in areas of separatist conflicts.
- (4) The limited societal ability to establish relationships with various relevant agencies both at home and abroad such as Interpol, Aseanapol, UNTOC, Banking, CJS, ICCPO, ASEANPOL, etc., where personnel do not have good negotiation and communication skills in the context of holding coordination, consolidation, and exchanging information on the prevention of weapons smuggling.

c) Attitude

- (1) The slow response of police investigators to reports submitted by the public regarding the case of arms smuggling, both for immediate actions and for further actions.

- (2) There are still corrupt behaviour and an attitude of being easily bribed and even selling weapons from some personnel in carrying out investigations of weapons smuggling. Based on the ICG Asia Report in 2001, the number of firearms originating from illegal trade with TNI and Polri personnel has reached 2,619 (ICG, 2001: 6).
- (3) Not being independent so that it is easy for other parties to intervene.

4.2 Infrastructures

- a. The main and special equipment used to support the operations of the Directorate of General Crimes in combating weapons smuggling is still relatively inadequate.
- b. Directorate of General Crimes still does not have a complete and integrated database with police regions and police resorts, especially things regarding fingerprints and photos of perpetrators or other identities in order to facilitate the tracking of perpetrators and the networks of weapons smuggling crime organizations.
- c. The existing infrastructures still have the standard facilities and have not been supported by high-tech infrastructures, which includes GSM Track Net System, Laptop, Brief Case Video Recorder, Hand Held Metal Detector, Lie Detector,

Electric Pantobil, Fingerprint Magnifier Analysis, Facial Sketches, Ion Scan (Stasicement) 400 B, FTIR (Fontier Transform Infra-Red), Ion Cromato, Internet and so on.

4.3 Budget

- a. The budget allocated has not been able to accommodate the costs of the inquiries and investigation processes that are adjusted to the developments in the field. This becomes an annoying obstacle to the ability of personnel to uncover cases of weapons smuggling.
- b. The budget received is sometimes not in accordance with the criteria of the case being handled, so that investigators are unable to resolve cases quickly and on time.
- c. Many police investigators only complain that the cases they handle are easy cases but the level of resolution is quite difficult due to geographical factors, so that it requires an additional cost greater than the allocated cost.

4.4 Systems and Methods

- a. **Precautionary Aspects**
 - 1) Lack of mapping of areas prone or vulnerable to arms smuggling so that the development trend of the crime is unpredictable.
 - 3) Weak early detection activities involve the

intelligence function to conduct initial investigations into weapons smuggling activities.

- 4) Border control and raid and inspection activities at places that are allegedly prone to weapons smuggling, especially in conflict areas, are not implemented on a priority scale.
- 5) Weak supervision of the distribution channels of weapons smuggling crimes at airports, ports and land routes that are used only as the route of the perpetrators.
- 6) Lack of efforts to provide guidance to the community, to individuals, families, groups or communities that are prone to conflict and acts of separatism through the security agreement approved upon between the government and the community.

b. Handling Aspects

- 1) The handling of weapons smuggling is still carried out using customs regulations, and has not been specifically regulated as a general crime.
- 2) There are limited attempts to interdict smugglers involving foreign countries, because not all countries have extradition agreements with Indonesia.
- 3) Directorate of General Crimes still finds it difficult to trace perpetrators of weapons smuggling because

the existing database is still incomplete, especially regarding fingerprints and photos of the perpetrators or other identities.

- 4) Limited empowerment of Senior Liaison Officers (SLO) and Liaison Officers (LO) of Polri in some countries, where only a few countries have the SLOs/ APs (US, Malaysia, Thailand, Philippines, Australia, Saudi Arabia, and Timor Leste). This is very disturbing because the SLOs/ Aps play very large roles in supporting the judicial process for the suspects of weapons smuggling used by armed separatist groups.
- 5) Police investigators are not trying to make breakthroughs through informal channels by taking advantage of contact persons in other countries, especially in investigating a case, considering that information exchange through formal channels takes a relatively long time. However, the disadvantage of police investigators in the context of having limited contact persons in other countries has resulted in unexpected results

4.5 The Implementation of Collaboration between Polri and Relevant Cross-Sectoral Institutions

a. Aspects of Communication and Regulation (Substantial Synchronization)

- 1) There are still limited meetings and coordination meetings held by Polri and cross-sectoral institutions so that there are still various differences in the perceptions of interpreting the respective duties of authority in handling weapons smuggling, either regulated by Law Number 12/ 1951 concerning Firearms or those regulated by Law Number 8/ 1980 regarding Criminal Procedure Code.
- 2) The implementation of such cooperation is not formulated in the memorandum of understandings which are binding and permanent, but still temporary.
- 3) The lack of the development of security engagement between the government, assisted by the Police and various separatist groups in order to find mutually agreeable efforts.

b. The Coordination Aspects (Organizational Synchronization)

- 1) The cooperation that is carried out is still limited to correspondence and has not yet explored various collaborations in the framework of capacity building, information sharing and logistics support for

handling integrated weapons smuggling.

- 2) The establishment of a task force for handling weapons smuggling is still sectoral (inter-departmental) and less cross-departmental.
- 3) The lack of the development of treats of engagement between Polri and cross-sectoral institutions in order to monitor entry and exit routes (border control) against weapons smuggling in an integrated manner.

c. Collaboration Aspect (Operational Synchronization)

- 1) The lack of the development of treats of engagement for the establishment of a joint task force or hot pursuit carried out by Polri together with other foreign police organizations related to the efforts of combating weapons smuggling.
- 2) The implementation of navigation security, which is the supervision of distribution routes and crossings of syndicates/weapons smuggling networks is still implemented locally.
- 3) Integrated data base and Surveillance System Facility have not been built by Polri and other foreign police organizations in order to track perpetrators of arms smuggling.
- 4) The implementation of the Intelligence and Information

Exchange between Polri and other relevant police organizations often runs slowly and inaccurate in detecting weapons smuggling and the intelligence network is not built based on state users.

- 5) The lack of joint investigation efforts between Polri and other foreign police organizations in handling arms smuggling in the context of deportation and legalization policies, and work-site inspections, raids, & sanctions against arm smugglers.

5. DISCUSSION

Based on the explanation above, the author would like to propose the following things in order to maximize the efforts of combating arms smuggling in Indonesia as follows:

5.1 Short Term Strategies (1 year)

a. Increasing the quality and capacity of personnel in handling weapons smugglings:

- 1) Involving personnel in seminars, workshops, panel discussions, etc. organized by Polri or other relevant institutions or parties related to weapons smuggling.
- 2) Conducting trainings on investigations that prioritize laboratory minded/ scientific crime investigation for police investigators. Apart from that, it is also necessary to provide trainings on the use of technological devices

including monitoring centre/ direction finder, in order to keep pace with the development of weapons smuggling.

- 3) Providing skills training in the field of persuasive communication, so that police investigators can actively participate in interacting and approaching all levels of society in tackling weapons smuggling that need to be carried out by prioritizing an informative, persuasive, motivational, educational and communicative approach.

b. Developing infrastructures owned by the Directorate of General Crimes in order to support the implementation of the efforts of handling weapons smuggling:

- 1) Preparing the operational equipment requirements with the specifications adapted to regional conditions, including vehicles, communication equipment as well as special tools and other supporting tools.
- 2) Fulfilling the needs for communication technology equipment as well as the support for main equipment and special equipment that are adjusted to the development of crimes so that the inquiries and investigation processes can run optimally, such as procurement of monitoring

system equipment, directing finder, GPS (Global Positioning System), personal computer, and internet network.

- 3) Building a database for tracking arms smuggling criminals because the database can keep unlimited fingerprints and photos of the perpetrator or other identities.

c. Mapping various crime modus operandi as well as monitoring areas suspected as arm smuggler crossing routes:

- 1) Supervising and controlling the traffic of weapons smuggling actors either by land, sea or air.
- 2) Developing procedures and mechanisms to prevent the existence of places of escape and hiding places for perpetrators of arms smuggling.
- 3) Increasing the role of intelligence control on sects, groups and community activities which may have implications for the increase of weapons smuggling and armed separatist movements.

d. Initiating the establishment of Letter of Agreements and the implementation of the Mutual Legal of Assistance (MLA) with various foreign police organizations of other countries in order to cut the supply of illegal firearms to conflict areas in Indonesia.

- 1) Increasing foreign cooperation: bilateral, multilateral (regional-international) in the field of police.
- 2) Pioneering the signing of a joint agreement between police organizations of ASEAN countries against state and non-state actors who are proven to provide supplies of firearms to conflict areas in the region.

5.2 Medium Term Strategies (3 years)

a. Empowering international forums as the implementation of policing synergy (Sspindep) between Polri and cross-sectoral, both domestic and foreign institutions in dealing with weapons smuggling:

- 1) Empowering the role of Interpol in analyzing and identifying the networks of illegal arms traffickers in Asia Pacific region.
- 2) Empowering the role of the United Nations in arranging a security engagement between separatist groups and the government which contains an agreement to stop the treason movement.

b. Empowering the ASEAN Police Joint Communique as a forum for police personnel for Aseanapol member countries by placing their personnel as representatives

of member countries so as to facilitate coordination between the countries through representatives of members of the Police

- 1) Through the joint communiqué, ASEAN countries hold relevant meetings such as; Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues in 6th ASEAN-China Summit, and Work Program to Implement the ASEAN Plan of Action to Combat Transnational Crimes.
- 2) Through the joint communique, it is expected that the development of the role and contribution of ASEANAPOL in peacekeeping operations in order to realize the ASEAN security community from various acts of separatism runs well.

5.3 Long Term Strategies (5 years)

a. Increasing the quantity and quality of diplomacy of LOs and establishing memorandum of understandings, especially in terms of preparing Standard Operating Procedures (SOPs), updating data and information in the context of handling weapons smuggling:

- 1) Conducting mediation and conciliation, legal consultations, Amicus Curiae friends of courts together with

Indonesian Embassies with separatist movement figures who live abroad.

- 2) Assigning the LOs and SLOs to be able to act as the front liners in handling the problem of arms smuggling while still paying attention to international rules and regulations. For example, by making international commitments and taking steps to increase international cooperation in eradicating transnational crimes, such as the United Nation Convention Against Transnational Crime (UNTOC) and its three protocols.

b. Empowering an information forum among police organizations of countries located in the Asia Pacific region related to the security situation, including in handling weapons smuggling:

- 1) Implementing the ASEAN PoA to Combat Transnational Crimes. The ASEAN PoA to Combat Transnational Crimes has several specific objectives, namely: building a regional strategy that aims at preventing, controlling and overcoming transnational crime; building regional cooperation in terms of investigation, prosecution and justice; strengthening ASEAN coordination in overcoming transnational crime issues; strengthening capacities and capabilities in

understanding the latest sources of transnational crime; and developing regional cooperation agreements on criminal justice and extradition.

- 2) Cooperating with ASEAN countries to provide information on transnational separatism movements as well as study, analysis of strategic environmental developments, processing and compiling intelligence products in terms of early detection to prevent and overcome separatism.

6. CONCLUSIONS

Based on the results of the discussion and the explanation above, the author concludes the following things:

1. In general, the condition of the organizational resources of Polri in combating arms smuggling has undergone some improvements. However, in certain aspects there are still deficiencies in particular related to budget resources and infrastructures. Therefore, it is still necessary to develop its organizational resources, such as in the human resources aspect so that they have adequate knowledge, skills and attitudes. In addition, it is also necessary to develop its infrastructures with the latest technology and utilization of the budget in a timely, targeted and accurate manner so as to be able to handle the crimes of weapons smuggling effectively and efficiently.

2. Handling the crimes of smuggling weapons requires a comprehensive cooperation through first track diplomacy (G to G or G to P) or through second track diplomacy through (P to P, P to G or P to NGO). The implementation of this collaboration is carried out in a synergic and egalitarian manner, so that a reciprocal information system can be established, a cooperative system and functional relationships as well as an assistance system in the areas of policy (directing), supporting facilities (supporting), providing information (informating) and engaging forces in an integrated manner (human resource devolving), so that through the synergistic cooperation in handling weapons smuggling, it can support the maintenance of domestic security in the future which in turn can support the national development processes.

7. IMPLICATIONS

Due to the fact that the prevention of weapons smuggling has not been optimal, several implications emerge as follows:

- a. Increasing the institutional distrust of the local and international community towards the government and especially to the police because they are considered weak and often cheated on and dealing with the rampant smuggling of weapons.
- b. Endangering government policy activities and undermining the

benefits of a fair, free and safe economic and trade system that will be received by producers and consumers.

- c. Tending to undermine the sovereignty of the nations and accustom individuals to do something that is outside the legal framework.

Based on the implications above, the author proposes the following things:

- a. Criminal Investigation Department of Polri should recruit non-commissioned officers, especially law graduates, to become investigators. In addition, chiefs of police regions can have an MOU with universities in providing education or courses to their investigators by involving cooperatives or bank loan to pay the tuition fees.
- b. Government should formulate a draft of national policy in the framework of fostering national resilience to ensure the achievement of national goals and interests and the safety of the nation from threats to its sovereignty, unity and integrity.

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