

## **The Pollution of The Role of The Polri in The Prevention of Commotion in Demonstration**

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### **ABSTRACT**

*This study aims to determine the process of handling anarchy demonstrations that impact riots. This study made use of the following sort of research: Empirical research is intended, that is, research using field data as the main data source, such as the outcomes of interviews and observations. Normative research is an approach that is carried out by analysing legislation, theories, and concepts connected to the problems to be examined. The results of this study indicate that the role of the police in tackling demonstrations, especially the anarchy and the impact of riots, is quite important as a guard and protector of the masses who express opinions in public and maintain order and security so that the masses who express opinions can be orderly. Furthermore, the role of the National Police Chief Regulation No. 16 of 2006 regarding crowd control guidelines is to be used as a guide to control mass demonstrations that are anarchic or detrimental to the state and the general public. The police constraint in handling demonstrations, namely a large number of demonstrators, the many actions carried out without prior notification, as well as the almost evenly distributed action points in several areas, especially during elections, make it difficult for officers to control/guard demonstrations and the limited personnel and facilities.*

### **INTRODUCTION**

The Indonesian nation, which consists of various ethnic groups, religions, languages, cultures, and different customs, has the potential to cause mass riots or riots that can disrupt the stability

of domestic security if not handled early and in an integrated manner. Problems resulting in law violations must be handled decisively and wisely, among others, through the Regulation of the National Police Chief Number 8 of 2010 concerning Procedures for Cross Changes and Procedures for Combating Riots. However, because these regulations are no longer valid in accordance with organisational needs and the development of dynamics in the field, the National Police Chief was revoked and replaced by the Republic of Indonesia Police Regulation Number 4 of 2019 concerning the Revocation of the National Police Chief's Regulation Number 8 of 2010 concerning Procedures for Cross Change and How to Act in Combat Combat.

Through demonstrations, it is hoped that the wishes and aspirations of the community can be heard, noticed, and responded to by the intended parties, especially the government or leaders. However, the delivery of these aspirations is often coloured by destructive-anarchistic actions. Demonstrations are activities that we often encounter in public life and are generally carried out by students. Apart from all that, demonstration participants in conveying their aspirations often tend to use emotional speech in the content of their delivery. (Iye et al., 2020)

Demonstrations should not only be seen as a natural expression of society but also as an indicator of the application of "*democratic principles*" in the life of a pluralistic society. The advancement of knowledge and various new findings, including in the fields of information technology, transportation, tourism, agriculture, and industry, as well as military equipment, has opened new horizons for the development of traditional society (in the east) towards a modern society (western model). In line with that, when innovations in the socio-political field, especially social, political, and government orders, have not yet led to the formation of an ideal (fair and civilised) social order, the meaning of the term democracy will continue to invite pros and cons. A society's degree of development and democracy is influenced by the diversification of its social, economic, political, cultural, and security activities.

In the context of the State of Indonesia, currently experiencing various problems, plus the increase in the prices of necessities and government decisions or policies that are considered detrimental to the community, people protest by giving speeches together. The oration shows a public disappointment with government policies or decisions made by some people, orations made by the community are usually called demonstrations. The increasing variety of community activities requires handling demonstrations in line with strengthening Civil Society and Good Government.

In general, the problem has been regulated in the Fourth Amendment of the 1945 Constitution, Chapter X concerning Citizens and Residents article 28, which reads: "*The law guarantees people's right to assemble, associate freely, and express themselves in person and writing, among other rights*".(Undang-Undang Dasar 1945, n.d.) In addition, it is contained in the 1945 Constitution Chapter XA concerning Human Rights Article 28e paragraph (3), which reads: "*The freedom of association, assembly, and expression belongs to everyone.*" (Undang-Undang Dasar 1945, n.d.). Arrangements for demonstrations or demonstrations are specifically regulated in Law Number 9 of 1998 concerning the Freedom to Express Opinions in public; here, the form, procedures for expressing opinions, rights and obligations of participants, and sanctions for demonstrators are regulated.

The essence of life and the scope of demonstration are closely related to the needs necessary to design a power system. The perspective of the culture of the apparatus in responding to community interactions through peaceful media participation, as explained in the event, will play a role in determining the balance of public relations (State civil society).

With the mass action, the South Sulawesi Regional Police sent a special unit to handle demonstrations called Dalmas (Mass Control). In handling a demonstration/riot, the police cannot arbitrarily deal with the mass action because they must comply with applicable regulations, so there are no clashes between the police and the demonstrators.

Thus, this activity is a legally protected human right that enables persons to express their thoughts freely. It must be upheld to prevent social order from deviating from established norms and ensure that society as a whole feels secure. Free speech must be preserved to ensure that people's lives are secure and that the entire social order is shielded from deviations or legal infractions.

A protest movement that is carried out in public by individuals is called a demonstration or demonstration. Demonstrations are usually carried out to express the group's opinion or policies implemented by a party or can also be carried out.

In this study, demonstrations that are the subject of demonstrations can cause riots. Huru-Hara (Riot): ownership is a situation in a big city together or in small groups causing problems and public safety by violence and the use of violence and destruction of large numbers of objects, in such a way that a broad network arises, which is characterised by the cessation of more from the normal activities of trade centres/shops or offices or schools or public transportation in the city for a minimum of 24 (twenty-four) hours continuously starting before, during or after the incident. (Guntara, 2016)

Therefore, riots are linked to protests because of their influence. As stated in Article 1 Paragraph, 3 of Law Number 9 of 1998 Concerning the Freedom to Express Opinions in Public, protests are also demonstrations. A demonstration is a type of opinion expression. (Undang-Undang Nomor 9 Tahun, 1998) Citizens have the right to protest through demonstrations. However, this privilege may be dreadful since mass gatherings of thousands of people often occur aimlessly, which can result in disorder and criminal activity.

Demonstrations can be positive or negative. This means that when the demonstration upholds democracy, it is seen as a positive thing and has value in the eyes of the community. However, when demonstrations ignore democracy, society sees them despicable or negative. Democracy is a means of demonstration. The demonstration must stop when their opinion must have been conveyed. (Muhajir & Susanti, 2018)

Thoughts or opinions. As a way, the activity needs to be maintained and checked so that this does not turn into a bad thing. Our duty and obligation remind us that demonstrations will end when we easily live in an unfavourable political domain.

When a demonstration takes place, the police have the authority to oversee it to ensure that it proceeds in line with its goals safely, orderly, and efficiently. Conditions that often occur are

demonstrations that go well or are anarchic, and clashes are unavoidable between demonstrators and the security forces (Polri). If a case that occurs leads to anarchic things and interferes with the interests of the police, the handling refers more to the security aspect.(Hidayatullah & Purnawati, 2021)

In handling demonstrations in the field, every Polri personnel can act according to their judgment but must be based on security, order, and the public interest. For the police, implementing the police's authority to handle demonstrations is prudent; the police must be consistent with Law Number 9 of 1998 concerning the freedom to express opinions in public.

Implementation of Police duties in conducting demonstrations in legal areas, accessed July 2, 2022) For every member of the police, it is expected that in handling demonstrations, emotions can be controlled so that the image of the police in the eyes of the public is not seen as bad. In Article 2 of Law No. 28 of 1997 concerning the National Police of the Republic of Indonesia, it is stated that:

The National Police of the Republic of Indonesia aims to ensure order and law enforcement as well as the establishment of public peace to realise public security and order in the context of maintaining internal security and achieving national goals by upholding human rights.(Undang-Undang Nomor 2 Tahun, 2002)

Demonstrations, especially recently, seem to be the most appropriate option in conveying aspirations and criticisms by some Indonesians, especially the student movement activists, in responding to government policies that, according to them, are detrimental to the people. Perhaps they feel they have not had enough of the votes entrusted to their representatives in the legislature so that the demonstration becomes the last and best alternative that must be taken.

In this era of democratic reform, of course, it is not wrong because, indeed, it is a consequence of our choice of the democratic system that has been agreed upon, where everyone has the right to have an opinion and criticise what is guaranteed by our constitution. However, freedom of opinion and criticism does not mean blaspheming others without the limits of decency and propriety, which violates the rights of others, namely the right to be respected and appreciated. Nor does democracy mean that anyone can take to the streets to demonstrate while carrying out anarchic actions by destroying government-owned facilities such as public facilities while demanding instant change.

Demonstrations in conveying aspirations and criticisms are legal in this democratic era. They are urgently needed as a means of control over policymakers so that these policies are truly in favour of the people. Indeed, the demonstration is an expression of freedom if it has a good goal, namely purely fighting for the rights of the people, demanding justice, and defending the truth. It must also be conveyed in a good, elegant, polite, and courteous manner.

Freedom of expression must be based on the nation's noble ethics culture and juxtaposed with applicable legal regulations. Do not let carrying out these actions have other hidden agendas that damage the democratic order and abort this noble initial goal. Do not also take actions contrary to the nation's culture, let alone insult the head of state as a symbol of a country that should be

proud of democratically elected, as often happens in every demonstration. Because actually, no one is pure from wrong and sin according to his human nature. To find out more about the demonstration problem, the demonstration has many different definitions and meanings from different viewpoints. A demonstration can be interpreted as an active demonstration carried out by a person or group of people to show how to work, manufacture, or use a tool, material, or medicine when viewed from the point of view of trade and science.

However, the definition of demonstration in this context refers to a method of expressing one's views, whether they be those of support or opposition. It is an action that conveys rejection, criticism, suggestions, impartiality, and disagreement using a variety of tools and media by predetermined guidelines. In the context of achieving a democracy that leads to sovereignty and fairness, as defined by an accumulation of shared votes that is not swayed by individual interests or deceptive groupings, whether in writing or unwritten.

A demonstration under the Law on Freedom of Expression is an action taken by one or more people to express views vocally, in writing, etc., in a demonstrative way in public. (Undang-Undang Nomor 9 Tahun, 1998)

Demonstrations, however, are sometimes characterised in their current state as long marches, yelling, burning, and dramatic activity. Because the offenders' acts were unsettling and endangered the demonstration's purpose, the public's impression of the demonstration deteriorated.

Whether against or for support, demonstrations take many forms, either in the form of orations on the street or in the form of marches, rallies (gathering to listen to orations), picketing, making sure to sit and be silent with banners, and so on. There is an opinion that distinguishes the term demonstration (*mudhoharoh*) from the parade (*masirah*), but the truth is that the parade (*masirah*) is a form of demonstration.

**Freedom of Expression** The 1945 Constitution and the Universal Declaration of Human Rights both recognise freedom of speech in public as a fundamental human right. Every citizen's right to freedom of speech in public is an example of democracy at work in a country or state. It is essential to have a secure, well-organised, and tranquil framework while constructing a democratic state that upholds social fairness and protects human rights. The right to publicly express one's thoughts is exercised responsibly and in compliance with relevant laws and regulations requirements.

Indonesia is a nation founded on the rule of law and Pancasila democracy. (Pasha, 2003) While Article 28 of the 1945 Constitution states that "*Freedom of association and assembly to express views verbally and in writing and in other ways is prescribed by law, protects every person who has the right to voice their beliefs.*"

However, the existence of these provisions raises assumptions or perceptions of the wider community, so that in the recent reform era, there have been demonstrations everywhere throughout the archipelago, even in carrying out their actions without self-control, which

eventually led to anarchy, namely looting, burning, murder and rape, the consequences of which are felt by the community itself.

From 1998 to the early 2000s, the word demonstration seemed to have never left the print or electronic media. Because in these years, such demonstrations are becoming a trend. Especially among students. Kunarto stated that it started from the instability of the Indonesian economy in 1997, which was the impact of the economic crisis in the Asia Pacific region. As a result, the prices of nine basic commodities continue to soar. (Dirhani, 2016) The rupiah at that time was around Rp. 17,000 per US\$1. The crisis caused a lot of big losses in national companies. Many of them went bankrupt. As a result, the number of movements increased from previous employees. Such conditions have sparked various public protests led by students. They demanded that the government immediately address the crisis.

Nevertheless, the New Order government was very repressive towards mass actions at that time. Even in the past, activists who held demonstrations were often identified with the movement for security disturbances (GPK). Many activists have been challenged, kidnapped, and imprisoned under the pretext of maintaining national security. The final, as the culmination of student anger, occurred on May 12, 1998, after four Trisakti students were shot dead by police bullets during a demonstration demanding that Suharto step down from his presidency. (Zaeny, 2015)

Why anarchy is an option, Because acts of anarchy are easier to attract attention, you can see that the television bustling includes student burning actions and stone-throwing actions between students and the police. Not only in the news but even made into an investigative report. In the name of fighting for the people, these anarchists often forget that their acts of anarchy make people miserable. (Zaeny, 2015)

In securing demonstrations from unlawful acts, the efforts of the police and the people in the country are very important for the peace of the Indonesian nation and state. With the issuance of Law Number 9 of 1998, dated October 16, 1998, concerning "Freedom of Expressing Opinions in Public", it is hoped that the police will be able to handle the lively demonstrations today.

The effectiveness of enacting this law is highly dependent on all levels of public enforcement, in this case, all agencies directly related to the demonstrators, namely the police and other law enforcers. On the other hand, what is very important is the need for legal awareness from all levels of society to enforce legal obligations, particularly Law Number 9 of 1998. For this reason, the role of the police, together with the community, is very important in handling demonstrations or demonstrations in order to ensure peace and security for all the people of the Republic of Indonesia.

Independence contains two meanings, namely freedom and responsibility. Therefore we must balance freedom and responsibility. Several things must be considered in expressing opinions freely and responsibly, namely:

- a) Convincing arguments must support his viewpoint in order for it to be considered valid.
- b) For the benefit of everyday life, opinions should serve the people's interests.
- c) He expresses his views in a way that complies with all applicable laws and regulations.

- d) For effective social interaction, thinkers should be receptive to criticism.
- e) The desire to further the ideals of justice, democracy, and welfare should serve as the foundation for all forms of expression.
- f) Rights and obligations in expressing opinions in public

Every opinion must be submitted per the applicable rules through official or constitutional channels. In Article 1 Paragraph (1) of Law Number 9 of 1998 concerning Freedom to Express Opinions in Public, it is explained that *"freedom to express opinions is the right of every citizen to express thoughts orally and in writing and so freely and responsibly in accordance with the provisions of the legislation. -applicable invitation."* (Undang-Undang Nomor 9 Tahun, 1998)

To guarantee freedom of expression so that it is carried out responsibly. So in, Law Number 9 of 1998 concerning Freedom of Expressing Opinions in Public is regulated regarding the rights and obligations that must be fulfilled for every community who wants to express their opinion and for the government to provide legal protection to every community so that the right to express opinions is guaranteed. Demonstration Principles

To express one's thoughts freely, one must be free from any physical, psychological, or other restraints that run counter to the law's goals protecting the right to free speech in public (Explanation of Article 5 of Law No. 9 of 1998).

People can openly express their ideas in public and be legally protected for doing so (Article 5 of Law Number 9 of 1998). People are therefore allowed to voice their thoughts, but they also need to make preparations for doing so in order to avoid escalating tensions within society.

The goals of the legislation governing the right to freedom of expression in public are as follows (Article 4 of Law Number 9 of 1998), and they demonstrate the significance of the right to freely and responsibly express one's thoughts:

1. Freedom to express opinions freely and responsibly in accordance with responsible freedom as one of the implementations of human rights in accordance with Pancasila and the 1945 Constitution;
2. Freedom to express opinions freely and responsibly to realise consistent and consistent legal protection in expressing opinions;
3. Freedom to express opinions freely and responsibly to create an environment that is conducive to its development and the creativity of citizens as the embodying

We must uphold the ideals of liberty and responsibility when utilising our right to free speech. Free refers to the ability to openly communicate all of our thoughts and opinions without restraint from anyone. Being responsible requires that our ideas, beliefs, or opinions be supported by excellent judgment, noble intentions, and relevant standards.

Article 29 of the Universal Declaration of Human Rights, which among other things, stipulates the following, states that the freedom to express opinions in public must be exercised fully responsibly, in accordance with the provisions of the applicable laws and regulations and the principles of international law:

1. Everyone has an obligation to society that supports the free and full development of personality.
2. In exercising the right to freedom, everyone must submit solely to the date determined by law to guarantee recognition and respect for people's right to freedom and to fulfil just requirements for morality and the general welfare in a democratic society.
3. These rights and freedoms must not be exercised in any way contrary to the goals and functions of the United Nations (UN). Based on Law Number 9 of 1998, there are five principles which are the basis for freedom of responsibility and action to express opinions in public.

What is meant by the principle of proportionality is the principle that puts all activities in accordance with the context or purpose of the activity, whether carried out by citizens, institutions or government officials, based on individual ethics, social ethics and institutional ethics.

## **RESEARCH METHODOLOGY**

Research of the normative and empirical variety was employed in this study. Normative research examines laws, ideas, and conceptions associated with the investigated issues. (Karim et al., 2021) the field as the primary data source, including findings from interviews and observations. The methodology employed in this study, namely, the statute approach and the case approach, supports this research.

## **RESULTS OF RESEARCH AND DISCUSSION**

### **The process of handling the Protests of anarchy has an impact on the riots**

Before discussing the process of handling anarchy demonstrations that have an impact on riots, it is important first to know the role of the police in tackling demonstrations.

Regarding handling demonstrations, the National Police has issued a procedure for carrying out anarchic demonstrations, namely the Procedure for the Director of Samapta Babinkam Polri Number Pol: PROTAP/01/V/2004 concerning firm action against anarchy which contains how to take action against demonstrators who have anarchy and added the regulation of the National Police Chief Number: 16 of 2006 concerning Guidelines for Crowd Control. On this basis, every member of the National Police must understand and respect their limitations, especially those related to resistance from people they meet on the job. Values and respect for human life and dignity are the basis of the National Police's duties in society, so the implementation of actions taken must be in accordance with the ethical application.

The use of policing safety force which consists of three principles, namely:

1. Legality All Police activities must be legal and according to applicable laws.
2. Obligation Police officers will act only if there is a need to act.



3. Proportionality This means that all human rights violations must be proportionate to the nature and seriousness of the consequences. Therefore there must be a balance between individual human rights and the severity of the violation.

The police as law enforcers who, in their actions, can violate human rights, including in handling anarchic protesters, but because the police are also mandated by law to enforce applicable rules so that the law can be enforced correctly. Actions taken in dealing with the anarchy protesters of the police have been limited by clear rules, namely the principles of using violence and firearms, the Criminal Code, standard procedures and principles of legality, necessity and proportionality so that there is no doubt in acting against demonstrators who are anarchy and no fear of violating human rights.

It must be fully achieved that demonstrations or expressing opinions in public are essentially manifestations of freedom of assembly, expression and opinion. Demonstrations that can be in the form of demonstrations, marches, public meetings, or free pulpits are not only guaranteed in the 1945 Constitution along with the basic principles of administering the life of a legal state (therefore, they are considered as Constitutional Rights aka Constitutional Rights) but are recognised and guaranteed in instruments National and International Human Rights Law as Human Rights (HAM). In principle, the state and its apparatus must respect, protect, comply and promote it.

Normative, for the police as human rights are part of the implementation. Article 19 of Law Number 2 of 2002 concerning the Indonesian National Police states, *"In carrying out their duties and authorities, Indonesian National Police officers act based on legal norms and respect religious norms, decency, morality, and uphold human rights"*. However, security measures are indeed easy. In this situation, the National Police faces a dilemma and operational problem, namely between carrying out their responsibilities to protect the community and, at the same time protecting the constitutional mandate and the rights of demonstrators. However, under any circumstances, the apparatus must still respect human rights principles and standards.

Generally speaking, the police's function in criminal cases includes acting as law enforcement agents and the curator of kamtibmas. The public and offenders are dealt with directly by police, who enforce the law on the streets. Article 2 of Law Number 2 of 2002 states that one of the responsibilities of the government is to maintain security and public services, including law enforcement, protection, and community services. They serve as members of the public in addition to being members of the National Police and law enforcement. In the integrated system of integrated criminal justice, police are at the forefront. When the police are in control, they can first expose the murkiness of the criminal case. The police can uncover crimes in the community.

Police must take action to seek and find evidence of committing a crime and find the perpetrators. Evidence that is quite similar to what is meant by Article 183 of the Criminal Procedure Code, which must be based on the principle of minimal evidence consisting of at least two pieces of evidence or evidence plus one piece of evidence.

Demonstrators who act brutally and anarchically must be investigated in accordance with applicable law, but sometimes in dealing with situations on the ground, the police are faced with

a decision where they have to choose an action that is beyond their limits beyond the command of their leadership. In order to avoid various problems that arise within the framework, its stipulation is carried out through various Regulations of the Chief of Police of the Republic of Indonesia. This is done to provide services for the delivery of opinions in public which includes the protection of the rights and obligations of the state in a balanced manner as well as clear implementation instructions for the apparatus as a guarantee of legal and legal protection in the implementation of implementation in public.

Article 2 of the Regulation of the Chief of Police Number 7 of 2012 concerning Procedures for the Implementation of Services, Security and Handling of Cases for Public Expression of Opinions confirms that the regulation on handling demonstrations is aimed at:

- a) As a guide in providing services, securing activities,
- b) The implementation of the delivery of opinions in public in a legal, safe, orderly and smooth manner; and
- c) The realisation of good coordination between Polri officials who carry out security activities to deliver opinions in public. (Buheri, 2019)

The implementation of security in the implementation of demonstrations aims to provide security protection for demonstration participants, safeguard the freedom of expression of opinion from the intervention of other parties, and maintain public order and safety.

The existence of the police cannot be separated from people's lives. The National Police are responsible for maintaining public order, security (Kamtibnas), and law enforcement. To maintain Kantibmas, the National Police has the task of serving, protecting and protecting the community. Along with the rapid growth of the population followed by the rapid progress and development of science and technology, the police are required to be oriented towards a more advanced direction, in this case, to become a more advanced National Police with modern technology that emphasises ability and expertise rather than mere muscles.

Especially in the case of the service of the demonstration process, the police must be required to act humanely rather than arrogantly, therefore the rules of the game that regulations and procedures for action have determined must always be understood and observed by members of the police in the field while on duty. Expressing opinions in public is a form of lifestyle for people who want their needs to be considered or fought for by the government; this kind of thing is a natural thing in a democratic country, but the procedures in its implementation must always be obedient and obedient to the laws and regulations. Invitations that apply, but we still find many demonstrations that do not pay attention to the existing rules; in a position like this, the police are required to take preventive action, even to take firm action if it is needed to protect other citizens, objects vital as well as state officials who will become the target of anarchist demonstrators rampage and are predicted to become riots.

In every demonstration in anarchy, the main concern for the police is to maintain public order, to maintain the safety of officials and citizens and not to destroy vital objects that have become the target of the demonstrators' rampage. These things must be considered and become the main target for implementing services and security during the demonstration.

The National Police Standard Procedure is a form of follow-up from the highest leadership of the National Police; in this case issued by the National Police Chief as a form of procedure for carrying out tasks in the field in a directed and measurable manner under control and is a way of unifying perceptions in carrying out tasks, especially in cases of urgent or prompt Police action so that the presence of the Police Standing Procedures will facilitate the realisation of professional and proportional Police actions without presenting doubts for members of the police in the field in taking firm action against perpetrators of anarchy.

Take legal action, including arresting several perpetrators of what happened. the phenomenon of the implementation of the demonstration raises the pros and cons among the public. Some argue that demonstrations are the right of every citizen that is protected by law, and some argue that demonstrations must be dealt with firmly with the legal process.

For every Indonesian National Police (POLRI) apparatus, it is a must in every action and in the case of demonstrations. This is stated in Article 19 of Law Number 2 of 2002 concerning the Police: *"in carrying out their duties and authorities, officers of the State Police of the Republic of Indonesia act based on legal norms and respect religious norms, decency, morality, and uphold human rights"*.

The success of such an appearance of the police will give birth to a sense of love for the Police community, and the community will meet the police in their midst, will be very helpful and conduct consultations on various security and security issues and find solutions to problem-solving. On this side, the police must be able to display a figure of professionalism in carrying out their duties so that it can be said that the police are loved and missed by their presence in society.

Concerning the implementation of security for demonstrations or demonstrations, security measures must be taken per the applicable laws and regulations; where if the implementation of demonstrations must refer to Law Number 9 of 1998, Freedom to Express Opinions in Public, guided by the Regulation of the Head of the State Police of the Republic of Indonesia. Indonesia Number 16 of 2006 concerning Guidelines for Mass Control and in the event of an anarchist demonstration, the police will take steps to deal with anarchy under the fixed procedures of the National Police Chief Number 1 of 2010 so that the actions taken by the police do not violate legal procedures which harm the Police Institution.

The challenges of the National Police's duties in the future will be increasingly complex, especially those related to national and community security issues. This is in line with the development and progress of science and technology, the quality and quantity of crime as a result of globalisation, the lack of employment opportunities and together with human rights violations and other influencing aspects so that the National Police need to prepare appropriate and accurate strategies to face the challenges. In this regard, the efforts made by the National Police include instrumental, structural and cultural changes.

According to the National Police Chief Number 16 of 2006, the procedure for controlling crowds by the Dalmas Unit is regulated in Article 1: Mass control, hereinafter referred to as Dalmas, do Polri units carry out an activity in order to control demonstrators.

The initial Dalmas were Dalmas units which were not equipped with special police equipment, which could be mobilised in the face of mass conditions that were still orderly and orderly or called green conditions. Further, Dalmas are Dalmas units that are equipped with special police equipment, which can be moved when the masses are not in order or a yellow condition. Change or layer change is an activity of control expertise from the initial Dalmas unit to advanced Dalmas. Changeover is an activity of control expertise from advanced Dalmas unit/company to riot control unit/company/detachment.

Security activities in the implementation of public opinion disclosure refer to the Regulation of the National Police Chief Number 7 of 2012 concerning Procedures for organising, securing, and handling cases in public, which according to Article 18 letter a: The implementation of security aims to:

1. Provide security protection for participants in public opinion submission;
2. Maintain freedom of expression of opinion from the intervention of other parties;
3. Maintain security and public order. (Buheri, 2019)

In the activity of expressing opinions in public where in the implementation there is a violation of the provisions of the legislation, it is obligatory to take action by the Police Officer by applying professional, proportional, procedural and accountable actions. Prosecution of public opinion delivery violations is carried out early by applying a sequence of actions from the softest method to the most powerful method, adapted to the development of the situation and conditions.

It is further emphasised in Article 6 of Law Number 9 of 1998 regarding rights and obligations in the general environment. As mentioned:

In expressing his opinion in public, every citizen has the obligation and responsibility to respect the rights and freedoms of others, respect generally accepted moral rules, obey the law and respect public security and order and maintain the integrity of the nation.(Undang-Undang Nomor 9 Tahun, 1998)

It should be understood that the words obliged and responsible are the obligations of every citizen in carrying out public demonstrations, in which demonstrations must comply with applicable regulations and uphold the human rights of others. Thus, the freedom to express opinions in public must be carried out with full responsibility, in line with the applicable laws and regulations provisions. The police must take demonstration activities that violate statutory provisions by implementing professional, proportional, procedural and accountable actions. Prosecution of demonstration violations is carried out early by applying a sequence of actions from the softest method to the strictest one, adapted to the development of the situation and conditions. The activity of expressing opinions in public or demonstrations is declared as a form of violation if:

1. Done without prior notification;
2. Done not in accordance with the provisions in the notification letter;
3. Disrupt the security, safety, order and smooth traffic;
4. Disturbing public order in accordance with the provisions of laws and regulations;

5. Anarchy takes place, which is accompanied by criminal acts or crimes against public order, crimes that endanger public security for people or goods, crimes against public authorities; and
6. Causing mass riots.

Based on this, in several cases of anarchic demonstrations, the police were forced to act decisively for certain parties who felt they still had political and economic interests, so they also became a group against the demonstrations. However, in practice, sometimes the police carry out acts of violence and repression that are not based on the applicable rules according to the law or permanent procedures from the police.

Efforts to overcome the anarchic mass of demonstrators often result in physical clashes between demonstrators and the police. The police often take actions that are not per Article 2 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, which states that the function of the police is one of the functions of government in the fields of maintaining security and public order, law enforcement, protection, shelter, and service to society. (Undang-Undang Nomor 2 Tahun, 2002)

Disbanding or prohibiting demonstrators during demonstrations by the police is not solely intended to limit the rights of the demonstrators in expressing their opinions in public, but rather the anarchic attitude of the demonstrators which causes violence and damages both morally and materially. So that the police took action as if they did not care about human rights, and it was done with compulsion so that the anarchic demonstration could be stopped and there were no victims.

Based on this, before discussing further the handling carried out by the police in anarchy demonstrations, it is understood what actions are said to be anarchic acts. The acts of demonstration that are classified as acts of anarchy can be in the form of:

1. Blocking or completely closing the highway, stopping other vehicles on the highway so that the general public cannot pass through the road. The road is a public facility that can be enjoyed by every citizen so that if it is blocked, there will be acts of coercion in demonstrations or demonstrations;
2. Burning used tires in the middle of the highway. Burning used tires is classified as an anarchic act in demonstrations that has a detrimental impact on other members of the community; besides being able to endangering other road users, the act of burning tires also endangers the demonstrators themselves;
3. Sweeping and closing government offices is classified as an anarchist demonstration that is imposing;
4. Doing damage to public facilities and other state facilities through actions that violate the law, such as throwing stones, burning offices, and so on, which are acts of anarchism that lead to criminal offences;
5. Using ape as a target or object of demonstration, the use of violence is also classified as an anarchist act that leads to a criminal offence.

As law enforcement officers, every agency and member of the Indonesian National Police must be able to realise the objectives of the National Police as contained in Law Number 2 of 2002. In the context of demonstrations, it is advisable for one party, both demonstrators and Polri officers, to approach the police humanely and, as far as possible, avoid repressive measures. The situation is action is often carried out with emotions and interests so that if an action violates the law or leads to anarchy, it will certainly provoke resistance from the other party.

In the end, others caused many material and immaterial losses for the parties and harmed the state. Nevertheless, the police officers continue to take serious action against demonstrations that, if they have exceeded the reasonable limits set by the applicable law or, in other words, often lead to anarchic actions.

Meanwhile, in-depth interviews explained the role of the Indonesian Police in seeking preventive measures to conduct anarchic demonstrations. Before the demonstration activity, the Intelkam Unit conducted fundraising and investigated the protest coordinator.

Intelkam during demonstrations plays a role in providing "closed" security, namely by joining or mingling with demonstrations; this step aims to detect and take preventive steps if the demonstration will carry out anarchic actions and there are demonstrations that show sharp movements and so on will occur a criminal act, such as a sharp weapon can cause stabbing, other sharp objects that endanger the lives of demonstration participants or other security forces who pass and are in the vicinity of the area where the demonstration takes place.

The Makassar City Polrestabes and the South Sulawesi Police carried out consolidation, evaluation, and further analysis in an intelligence report that was presented to the leadership. The handling by the Makassar Polrestabes apparatus together with the South Sulawesi Police is divided into three stages, namely:

1. Before the demonstration takes place.

The demonstration that occurred in the Makassar city area is the responsibility of the Indonesian National Police, in this case, the Makassar City Police and South Sulawesi Police; it is necessary to prioritise the function of Sahara as a crowd control force and Negotiator Team, although it still requires coordination with divisional functions. Other.

At this stage, the Makassar Polrestabes and the South Sulawesi Regional Police only took preventive anticipatory actions and coordinated with the demonstration leadership so that the demonstration would run in an orderly manner in accordance with the procedures, namely in accordance with Law No. 9 of 1998 and Law No. 39 of 1999. The definition of order is a free and directed atmosphere aimed at the atmosphere coveted by the community, which is the goal of the law.

2. At the time of the demonstration

When demonstrations occur, the Dalmas Sabhara apparatus always makes preventive efforts and always makes efforts so that the demonstrators can convey their aspirations peacefully and also on target.

At this stage, in general, the Makassar City Police and South Sulawesi Police only implement and provide directions for the road that demonstration participants will pass; in this situation, the situation is green because there are no violations against the law. When the demonstrators have entered a yellow situation, namely a situation where the demonstrators behave disorganised and tend to take actions that violate the law, for example: doing damage to public facilities, disrupting traffic flow caused by their actions, then controlling the City Police will take the action that will be taken by its successor, namely the replacement of the initial Dalmas unit (without tools) with advanced Dalmas units (using devices to dispel the masses).

Suppose the yellow situation continues, for example. In that case, the masses are throwing hard objects at the officers, burning banners and other props, Dalmas will take shelter action, which will then be taken legal action by Danki Dalmas Continue, among others:

- a) Dalmas continued to push the masses with the help of tactical vehicles to disperse the masses.
- b) Doing fire extinguishing from burning by demonstrators.
- c) Throwing and firing tear gas.

In a "red situation" or an increasingly emergency where there has been a violation of the law, the Head of the Makassar City Police and the South Sulawesi Regional Police take firm action, namely by taking repressive actions, namely firm, directed actions carried out by the police in accordance with the authority and legislation in force apply to enforce the law.

After the demonstration, the police officers carried out situational recovery activities where the location of the demonstration caused by the mass demonstration had subsided, the concentration of the mass had dispersed, and the police officers again tried to organise and encourage community activities to return to normal and succeeded in taking control of the situation at the scene.

Suppose the police can optimise their appreciation of the public interest, especially after the police and the community can build cross-sympathy between them. In that case, we can hope that the police's violence will not be directed at the public. As well as the absence of community violence against the police, as clearly illustrated by the demonstrations.

### **Obstacles in the field in handling anarchy demonstrations have an impact on riots**

Police action is a forced effort, and other actions are carried out responsibly according to applicable law to prevent, inhibit, or stop the actions of criminals that threaten the safety or endanger life, property or moral honour in order to realise order and law enforcement. And the establishment of public peace. Use of Force is any use/deployment of power, potential or ability of members of the National Police in the context of carrying out Police actions.

The occurrence of demonstrations that led to acts of anarchy contributed to weaknesses in the service management system implemented by the National Police in handling the demonstrations. Not only was the demonstration security activity ineffective, but the failure of this security could be traced from Satintelkam, which only limited itself to receiving reports and granting permits, to the failure of the communication process facilitated by Police negotiators who were unable to

suppress the emotions of the masses at times critical moment before the anarchy. So what must be improved from the Police side is the service of demonstration activities from upstream to downstream.

The main actors who often trigger the escalation of the situation in a security demonstration activity are the police officers. Various facts have occurred in the field that the tactics and strategies for securing demonstrations used by the police can trigger violence when they use threats or narrow the space for demonstrators to move. In addition, the effective management of the police between the police and the demonstrators is also an important factor in determining whether a protest action leads to violence/riot or not. However, there was a relationship between demonstrators and Police officers. As not all demonstrators want to join in the noise. Sometimes the police fail to take initial action, so it looks like everything is involved in rioting and is generally considered anarchist

The implementation of the main tasks of the National Police as a State tool for law enforcement, protector, protector, and public servant, fostering peace and guiding the community, is carried out by all Polri forces with the scope of tasks in the field of coaching and operational support to each other to achieve success in carrying out their duties. In securing the anarchic demonstrations in Makassar City and the South Sulawesi Regional Police, the police as the party responsible for public security and order encountered several obstacles in the field and often clashes between the demonstrators and the officers on duty in the field. As for the factors that became obstacles faced by the Makassar Police and South Sulawesi Regional Police in handling special anarchist demonstrations that were predicted to lead to riots, namely:

- a) The crowd of demonstrators did not notify the police in a letter that they would hold a demonstration;
- b) Lack of coordination between the demonstrations with the Makassar Police and South Sulawesi Regional Police officers who were on the ground;
- c) The presence of provocateurs who infiltrated the masses of protesters;
- d) Riots in planned Demonstrations;
- e) The attitude of officers who do not heed the orders and prohibitions of the Leader/Controller of security in the field;
- f) Lack of personnel and supporting equipment/equipment in the implementation of security of demonstrations;
- g) The lack of personnel from Dalmas Polrestabes Makassar and Polda Sulsel became an obstacle in carrying out security,

Based on this, in addition to using the means of criminal law (penal policy), crime prevention efforts can also be carried out using means outside of criminal law or what is known as a non-penal policy. Efforts to prevent crime using non-penal policies are more preventive in nature, oriented towards understanding the correlational and potential factors that cause crime to develop.



Based on this, it is related to the efforts made by the Makassar Polrestabes and the South Sulawesi Regional Police in dealing with more anarchic demonstrations that will lead to riots, both at the level of improvement.

Instruments as well as in operational arrangements to reduce anarchic actions from every demonstration that occurs, although procedurally security, the National Police has been supported by rules on crowd control such as the Chief of Police Regulation No. 16 of 2006 concerning Guidelines for Mass Control and Permanent Procedures for the Chief of Police No. X/2010 concerning the Prevention of Anarchy, but in every implementation of security carried out there are still obstacles encountered by personnel in the field of course, this is a joint task between the government and the police to seek and find solutions to each of these obstacles so that in the implementation of securing anarchic demonstrations that occur Appropriate, fast and precise steps can be taken in crowd control supported by an adequate number of personnel. personnel and other supporting tools so that security, order, public safety in general and the security of Polri members in the field can be maintained.

The emergence of demonstrations that have been carried out so far is caused by the absence of good and conducive communication, so demonstrations have to be carried out as the last step to convey their aspirations/wants. So far, demonstrations have been perceived as the most appropriate and quick solution for the relevant parties to respond to, even though these demonstrations are not in accordance with the size of the nation's cultural and ethical norms. The police faced various obstacles in carrying out demonstrations in Makassar City. However, the police still tried to realise their ability to protect, protect and serve the community as well as the ability to enforce the law.

Based on this, the National Police in carrying out several efforts to overcome obstacles in handling demonstrations that ended in anarchic actions, namely:

- a) Improving the Professionalism of Police Members;
- b) Competence in carrying out the profession:
- c) Consistency, both in terms of time and place or person.
- d) The quality of police services is the existence (civility) closely related to a society's human and social values.

Based on this, it is clear that the professionalism of the police is an important requirement and requirement for successfully implementing Police duties in the field. The professional ability of the National Police will ultimately be realised concretely through the quality of Police services that have quality control standards recognised by the community.

**Coordinating with Relevant Agencies:** The police, before making security preparations, must first coordinate. Coordination is carried out within the body of mass control and coordination with the relevant agencies.

Meanwhile, coordination with the relevant agencies is also important because it aims to facilitate security measures by the police based on information provided by the relevant agencies regarding the background of the demonstration and the characteristics of the demonstration mass.

Coordination during demonstrations. This form of coordination can be seen in the presence of negotiators from the police to submit complaints or demands from the demonstrators. In this case, it is very necessary to have good cooperation between the police, the negotiator and the relevant agencies. This is to facilitate the occurrence of demonstration activities. With good coordination, the possibility of riots during demonstrations will be slighter.

After the demonstration activities are completed, coordination with relevant agencies is still being carried out outside the coordination within the police. The form of coordination carried out is to evaluate all the steps taken as a learning material for securing ongoing demonstration activities or other demonstrations. Evaluation reporting and analysis or review and analysis is a means of controlling the activities of the Polri units so that the weaknesses, strengths, opportunities and threats faced, and deviations from the provisions of the original plan can be identified.

Conducting Legal Counseling to the Community: The legal culture of the community cannot be separated from the intensity of socialisation and counselling carried out by state officials to the community. Every state administrator must provide legal counselling as a legal education and civilisation process. The lack of legal awareness in the community is caused by a lack of knowledge about the law. Therefore, legal education needs to be given to the community.

Legal education to the public, in general, is a preventive measure. The basic formulation of preventive tasks is to maintain security and order. In its implementation, it is divided into 2 large groups of assignments. First, coaching leads to forming a law-abiding and law-abiding society capable of fighting crime or a society with high deterrence against all types of crime. While the second is the efforts of the police to prevent the meeting of elements of intention and opportunity so that crime does not occur by carrying out, regulating, guarding, and guarding.

The challenge for the National Police is not easy because the police must actively carry out community regulation or social engineering to encourage and assist other state functions. Making society and its citizens obey and obey the law and have a strong deterrent against crime is very difficult because all of that then means forming an attitude that relatively limits one's freedom, which always wants to be free. There is a strong correlation between information technology and the national legal system, in the midst of society, especially in social behaviour.

Law, as a rule, is the same as legal understanding and public awareness of the law in the form of applicable information. There will be no effective rule of law if legal information is not properly communicated to the demonstrators. Therefore, communication of legal information must be more interactive in order to capture input from the public properly to create legal awareness. This will not be obtained only through socialisation or legal counselling but must develop a good communication or information structure that the public can easily access.

## **CONCLUSION**

The role of the police in tackling demonstrations, especially those that have anarchic and impact riots in Makassar City, is quite important as a guard and protector of the masses who express opinions in public, maintain order and security so that the masses who express opinions can be

orderly. The National Police Chief Regulation Number 16 of 2006 concerning Crowd Control Guidelines. is to be used as a guide to control the mass of demonstrators who are anarchic or detrimental to the state and the general public. Then the Police Constraints in dealing with demonstrations that occurred in Makassar City, namely a large number of demonstrators, the number of actions carried out without prior notification, as well as the almost evenly distributed action points in several areas, especially during elections, making it difficult for officers to control/guard demonstrations and the limited number of them. Personnel and facilities.

In order to maximise the role of the police in guarding the demonstration in Makassar City, more intense communication is needed with the students/activists so that information is open to each other so that synergy between officers and demonstrators can be built in 2006, better to understand the extent and scope of the protocol so that there is no misunderstanding with the demonstrators in the field.

A good approach is needed from the Bureaucracy and the Police to community organs, students, and activists so that barriers are not built that seems to assume that all are opponents who must be given violence; criminal cases involving the police made the public even more distrustful that the police could protect them.

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