



## Legal protection for the police against security during anarchic promotion activities in the jurisdiction of the Medan Polrestabas

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### Abstract

This research aims to analyze the legal protection provided to members of the police in dealing with anarchic demonstration activities in the jurisdiction of the Medan Police. In dealing with complex and potentially detrimental situations, legal protection for the police is an important aspect that needs to be understood and evaluated. This research uses normative legal research methods to analyze various legal regulations and provisions that regulate legal protection for police officers in the context of anarchist demonstration activities. In addition, empirical research methods were used to gain direct insight through interviews with police officers involved in securing demonstration activities in the jurisdiction of the Medan Police. The results of this research include an analysis of legal regulations relating to police actions in dealing with anarchic demonstrations, an evaluation of the implementation of existing legal protection, as well as the understanding and perceptions of police members regarding the legal protection they receive. The implications of the results of this research can contribute to increasing the effectiveness and efficiency of law enforcement as well as the protection of police officers in dealing with potentially detrimental demonstration situations in the Medan Police jurisdiction.

**Keywords:** Legal protection, police, demonstrations, anarchy

### Introduction

Indonesia is a country that sticks to a majority rule framework, so individuals stand firm in the most noteworthy situations. The word a majority rules government comes from the interpretation of the words demos and cratein, the two of which come from Greek. Demos denote people, and cratein denotes the government. Therefore, democracy translates to people's government. The people's interests are served by the government they elect. Because the people typically hold power in a country, democracy requires that the government be run by a majority of the people (Qamar, 2013) <sup>[13]</sup>.

Several difficulties are now beginning to confront Indonesian democracy. Because they are thought to be bad for society, decisions and policies made by the government make it more expensive to buy essentials. Setting off individuals to go against government approaches and certain choices overall by holding talks to offer their viewpoints shows individuals' mistakes with government strategies or choices made by certain individuals in the general population. The aspirations of the oppressed and marginalized for their rights as citizens with the same identity as others can be effectively communicated through demonstrations or manifestos. Individuals' desires should be heard, yet demands should be satisfied by the public authority/rulers as a type of moral obligation of pioneers selected to serve individuals (Mustofa, 2020) <sup>[9]</sup>.

Exhibitions are normal because the practices are improper and create an awkward climate, generally bringing about brutality maltreatment or viciousness that can happen because of multiple factors, including individuals inside and outside the actual demonstrators. Concerning nonconformists, the Public Police as the foundation that issues allow and ensure security for shows should keep everything under control, implement the law, and safeguard the general population. However, there are times when members of the National Police do not adhere to the

established guidelines, and the police are unable to control the anguish caused by the demonstrators' wild behavior.

Non-penal or penal measures can be used by the police to stop anarchist demonstrations. If there is sufficient security and contact with demonstrators, non-penal measures can be carried out. In the meantime, criminal endeavors are completed by compulsion in a mindful way and as per the law. Strategies to manage wrongdoing or culpability don't remain solitary, however exist in that frame of mind, for this situation social change and modernization, this improvement should be visible as a longing to change society or change the overall set of laws itself, which is significant here corresponding to the job of the actual police, particularly with global exhibits in Indonesia. There are a variety of jobs that police officers need to do, some of which are not required by law. Consequently, activity is expected past the restrictions of police authority. According to (Mulyadi & Sujendral, 2011) <sup>[8]</sup>, tasks that do not permit them to fulfill their responsibilities within their mandate are referred to as discretionary and are assigned as assignments based on predetermined procedures and tasks.

Besides the fact that the dissenters died during the exhibition, the police likewise became casualties; this shows that there was a misstep or a type of infringement, including basic freedoms, which were cherished in numerous previous regulations. It is not enough to just make rules; the professionalism of law enforcement officials must also be balanced. Without the impressive skill of policing, it is difficult to provide more prominent security to residents. The National Police Chief's Regulation Number 16 of 2006 regarding Guidelines for Crowd Control and the National Police Chief's Regulation Number 8 of 2010 concerning Procedures for Crossing and How to Act in Handling Riots provide the police with the basis for carrying out a demonstration.

Every member of the National Police is free to do whatever they want during demonstrations in the field, as long as it is

done safely, maintains order, and serves the public interest. It is prudent for the police to use their authority over demonstrations. Given the frequent clashes that take place between demonstrators and the police, it is imperative that the National Police, in its capacity as a security apparatus, be given the task of figuring out new ways to prevent, contain, discipline, and secure uncontrolled mass demonstrations. As a result, what are the police's responsibilities as law enforcement officers in police institutions, the government, and the constitution to avoid legal consequences for demonstrations?

There are a lot of people, including students, who are unaware of the security measures taken during demonstrations. So revolutionary conduct still frequently happens because of this obliviousness. The majority of previous research has focused on legal protection for protesters and demonstrators, and very little research has looked at how security forces are protected. The legal guidelines utilized are the Guidelines of the Top of the Public Police of the Republic of Indonesia Number 7 of 2012 concerning Methodology for Offering Types of Assistance, Security, and Taking Care of Instances of Offering Viewpoints Openly.

### Literature Review

Lawyers, academics, the general public, and others frequently discuss the police's role and performance. The National Police works to eliminate various domestic law enforcement activities as a law enforcement agency (Utomo, 2005) <sup>[21]</sup>. Because of the nature of their work, police officers are constantly at risk of public scrutiny, which is why their practice of public order and security is closely linked to human rights. Terrible things occur in shows with rebellious words and activities. The parties must be accountable for any anarchic behavior. Uncontrolled demonstrations should be prevented, controlled, and secured by the National Police as a security apparatus. To provide security support for trials and court orders, other agency functions, and community events, the National Police typically must issue permits and/or certificates for community service (Ratanto *et al.*, 2023) <sup>[15]</sup>.

According to Setiono (Prasetyo & Herawati, 2022) <sup>[11]</sup>, legal protection is an effort to safeguard a person's dignity as a human being, maintain order and tranquility, and protect the public from illegal acts committed by government officials. Philipus M. Hadjon contends that legitimate security is an emotional condition that depicts numerous lawful subjects promptly getting a ton of assets, so legitimate subjects are lawfully ensured and safeguarded to practice their power in political and financial choices, particularly in the portion of individual and primary assets (Hadjon, 2007) <sup>[4]</sup>.

The Greek word for "police," "politeia," is the origin of the word "police." According to (Azhary, 1995) <sup>[1]</sup>, the title of Plato's first book, "Politeia," is derived from the Greek word "politeia," which refers to a "good state" by his ideals—a state devoid of cruel and greedy leaders and one in which justice is upheld. (Prodjodikoro, 1919) <sup>[12]</sup>, in Article 1 of the Police Law of the Republic of Indonesia Number 28 of 1997 and Article 1 of the Police Law of the Republic of Indonesia Number 2 of 2002, the police are all legitimate institutions and functions of the police. According to the Big Indonesian Dictionary (KBBI), the definition of the word "police" is "an agency tasked with maintaining security,

peace, and public order" (arresting people who violate the law).

The Greek prefix an (or a), which means "not," "want to," "absence," or "lack," and the Greek word archos, which means "a rule," "leader," "head," "ruler," or "power," are what give the phrase "anarchy" its name. Or, as Peter Kropotkin pointed out, the Greek word for "against the authorities" is anarchy. Insurgency is firmly connected with the term viciousness (Setiawan, 2015) <sup>[18]</sup>. Behavior, whether open or covert, offensive or defensive, that is accompanied by the use of force against another person is referred to as violence. Political agitation is actual tumult in common society as conflicts, mass battling, murder, plundering, and annihilation of public offices and foundations, as well as confidential offices or other lawbreaker acts. In light of this clarification, it tends to be reasoned that the effect of political agitation isn't positive change but rather actual harm and dread in the public eye (Santoso, 2002) <sup>[16]</sup>.

### Methods

The scientific method of gathering information for a specific purpose is known as legal research. According to (Sugiyono, 2016) <sup>[20]</sup>, research activities are based on scientific characteristics like rationality, empiricity, and systematicity. According to Soejono's explanation, researchers' primary responsibility is to accomplish objectives and resolve issues. In this way, it will be trailed by a strategy which will be made sense of as follows (Soejono dan Abdurrahman, 1999) <sup>[19]</sup>.

A subjective illustrative configuration is more suitable to use in this examination, where the specialist depicts and sums up different circumstances and conditions or peculiarities that are the object of exploration to answer issues that require cautious review, like the job of the police concerning lawful security for police as security staff in managing exercises. Both the difficulties encountered and the anarchic demonstrations that took place The subjective exploration completed is additionally unmistakable examination, which will, in general, include examination of existing issues and issues (Moleong, 2018) <sup>[7]</sup>. This exploration utilizes a regularizing exact legitimate examination strategy, the justification behind picking this technique is because it looks at the execution of arrangements and standardizing lawful arrangements in this examination in real life, certain lawful occasions by concentrating on lawful standards, standards in legal guidelines, feelings legitimate specialists (convention), and lawful and non-legitimate writing connected with the subject of this review (Bachtiar, 2018) <sup>[2]</sup>. Naturally, in-depth interviews with the Medan Police were used to complete the in-action data. These interviews were conducted to learn about the legal protections for police as security personnel when dealing with anarchic demonstration activities.

### Discussion

#### Forms of Legal Protection for Officials

Because there is a structure that regulates the actions of an officer of the Republic of Indonesia State Police (Polri) when facing a legal problem related to demonstrations, particularly in this case, the responsibility of the Republic of Indonesia Police (Polri) is based on the nature and enforcement of police actions and behavior as well as the

protection and provision of services to the community. The police are an authority body liable for completing police work, to be specific, keeping public control, safeguarding individuals and their property, as well as hazardous circumstances or public unsettling influences, and criminal operations (Pane, 2018) <sup>[10]</sup>. Legitimate information is a significant component in complying with or upholding the law. How could a regulation be carried out on the off chance that the presence or content of the law isn't known? The majority of students who participated in the student group were unaware that there were laws governing the methods or procedures for holding demonstrations. For instance, Law Number 9 of 1998 regarding Freedom to Express Opinions in Public (Juanda *et al.*, 2020) <sup>[6]</sup>.

Police always coordinate actions between the Regional Police (Polda) and the Resort Police (Polres) at the district or city level when carrying out the duties and responsibilities of the police, particularly when participating in anarchic demonstrations. In guaranteeing security in a city region, the public police are liable for security. Assuming the showing turns out to be more extraordinary or excessively troublesome to the place where it can, as of now, not be constrained by the police, the police will demand help from the territorial police to assist with revealing revolutionary exercises during the exhibit. In managing riots that lead to demonstrations of disorder, the Indonesian Public Police (Polri) should follow appropriate strategies and regard basic freedoms (Raharjo & Angkasa, 2011) <sup>[14]</sup>.

Because they are activities that are against the law, riots of any kind cannot be justified. What's more, huge-scale riots lead to serious demonstrations of viciousness. Violence has the potential to disrupt the stability of security and public order (Kamtibmas), which in turn causes the work of the government and the people to not run smoothly every day. It also has the potential to disrupt the operations and work of special organizations that are the target of demonstrations, resulting in the loss of life and property, which is extremely harmful to the stability of Kamtibmas or a public nuisance. Two rules guide legitimate security for individuals in the service of police; in particular, the first connects with their common freedoms, and the second is lawful assurance in completing their obligations and authority as cops. Legitimate security of individual privileges, for example, is assurance given to their tendency as people who have regular freedoms and their privileges as residents in a country that is directed by regulation. At the moment, risks, responsibilities, and authority in carrying out their responsibilities are protected for the activities' safety.

The time to file a lawsuit is for members of the State Police (Polri) who carry out their duties but do not follow the law. This means paying attention to their rights as people who have the right to be considered innocent, the right to be treated equally before the law, the right not to apply the law retroactively, the right to receive legal assistance from the level of the investigation to the level of the court, and other rights by their rights as a person living in a state of law. In addition, you must consider the necessary conditions during the criminalization process, such as freedom and interests, avoiding hunting, avoiding moral pressure on a police officer, and being fair and objective (Saputra & Hendrawarman, 2023) <sup>[17]</sup>.

### **Law Enforcement Against Demonstrators Who Commit Attacks Against Police Officers**

The prohibition against carrying items that could jeopardize public safety for demonstrators or participants who express their opinions in front of the public, as described in paragraph (1), is outlined in Article 9 paragraph (3) of Law Number 9 of 1998. Anarchism is the idea that the truth will only harm our country; this way of thinking has taken root in our country and is a way of thinking that only uses violence to solve problems (anarchy). To maintain this country's security and order, one of the police's main concerns is violence. According to (Hasibuan & SH, 2021) <sup>[5]</sup>, this is a problem that is a serious threat to the community's safety and well-being, necessitating swift action to address it.

According to Perkap Number 7 of 2012, "Anarchism is an act that is deliberately carried out or shown by a person or group of people that is contrary to customary law and causes violence, endangers public safety, threatens the safety of property and/or life, damages public places, or violates the rights of other people. In broad daylight, there is an essential structure for public articulation in light of five standards. This standard is a liability in thinking and acting to offer viewpoints or thoughts before society.

In the Crook Code, defacement is remembered for the class of criminal demonstrations; defacing is recorded in the second book of the Lawbreaker Code, which should be visible in Part XXVII concerning Obliterating or Harming Property. The demonstrators were demonstrated to have carried out infringement under articles 406 and 407 of the Crook Code, with the arrangements "Whoever unlawfully harms, obliterates, annihilates, or eliminates all or a piece of someone else's property is compromised with detainment for a limit of two years and eight months or a fine of a limit of 4,000 500 rupiah" (Renggong, 2016). According to Law Number 9 of 1998, demonstrations must be carried out by the applicable laws and regulations (Bakhtiar *et al.*, 2020) <sup>[3]</sup>. When a demonstration occurs, it is frequently referred to as a peaceful demonstration. However, in practice, demonstrations frequently result in throwing, vandalism, and even casualties, which defeats the demonstration's purpose. In addition to the various riots that took place, this also resulted in a large number of casualties and unimaginable material losses.

Subsequently, the police should do policing as per their power, obligations, and capabilities. Articles 170, 192, 193, 197, 200, and 201 of the Criminal Code allow for violations to be brought against demonstrators who cause damage to public facilities. Be that as it may, specialized snags exist at the execution level, including at the phase of extending cooperation activities (deeming) as managed in Article 55 and Article 56 of the Lawbreaker Code. Article 55 of the Crook Code decides, taking on obligation as a culprit, culprit, or a lawbreaker act. Then, individuals who aid in the commission of crimes (medeplichtige) are also subject to criminal penalties, according to Article 56 of the Criminal Code. It demonstrates, by the provisions of Articles 55 and 56 of the Criminal Code, that a transitional action (deeming) has taken place, namely, "if more than one person is involved in the criminal act," either the individual who committed the act or the person who assists in its execution. The penalties outlined in Article 57 of the Criminal Code will be imposed on those who are classified as helping.

## Conclusion

Legitimate assurance for the police as security staff in managing anarchic exhibition exercises. Two rules guide lawful security for individuals in the service of police; in particular, the first connects with their basic freedoms, and the second is legitimate security in completing their obligations and authority as cops. When carrying out actions, the National Police of the Republic of Indonesia (Polri) is guided by legal provisions or permanent procedures, specifically No. Pol. Security of Peaceful Demonstrations and Fixed Procedures. No. Protap/06-RJ/IV/2006 Pol.: Protap/10-RJ/IV/2006, Concerning Controlling Freak Showings. Approaches can give rules to officials to control their way of behaving, as well as give directions to officials, control their way of behaving and position, and offer better types of assistance to the local area. To avoid situations that result in illegal acts, it is also necessary to identify undesirable behavior and establish rules.

## References

1. Azhary MT. Negara Hukum Indonesia. *Ui-Press, Jakarta*, 1995.
2. Bachtiar. *Metode Penelitian Hukum*. Unpam Press, 2018.
3. Bakhtiar NY, Husen LO, Rinaldy Bima M. Pemenuhan Hak Kebebasan Berpendapat Berdasarkan Undang-Undang Nomor 9 Tahun 1999 Tentang Kemerdekaan Berpendapat Di Muka Umum. *Pemenuhan Hak Kebebasan Berpendapat Berdasarkan Undang Undang Nomor 9 Tahun 1999 Tentang Kemerdekaan Berpendapat Di Muka Umum*,2020:1(1):1–18.
4. Hadjon PM. Perlindungan Hukum Bagi Rakyat Di Indonesia Edisi Khusus. *Jogjakarta: Peadaban*, 2007.
5. Hasibuan ES, Sh MH. *Hukum Kepolisian Dan Criminal Policy Dalam Penegakan Hukum*. Pt. Rajagrafindo Persada-Rajawali Pers, 2021.
6. Juanda FYA, Asrullah A, Dewi Pratiwi A. Peranan Kepolisian Dalam Penanggulangan Aksi Unjuk Rasa Anarkis Di Wilayah Hukum Kepolisian Daerah Sulawesi Selatan Dan Barat. *Jurnal Hukum Unsulbar*,2020:3(1):16–24.
7. Moleong LJ. *Metodologi Penelitian Kualitatif* (Revisi; Ce). Pt Remaja Rosdakarya, 2018.
8. Mulyadi M, Sujendral A. *Community Policing: Diskresi Dalam Pemolisian Yang Demokratis*. Sofmedia, 2011.
9. Mustofa S. *Hukum Keterbukaan Informasi Publik Di Indonesia*. Spasi Media, 2020.
10. Pane EFC. *Peran Polres Sleman Dalam Menanggulangi Tindak Pidana Pencurian Dengan Kekerasan*. Uajy, 2018.
11. Prasetyo D, Herawati R. Tinjauan Sistem Peradilan Pidana Dalam Konteks Penegakan Hukum Dan Perlindungan Hak Asasi Manusia Terhadap Tersangka Di Indonesia. *Jurnal Pembangunan Hukum Indonesia*,2022:4(3):402–417.
12. Prodjodikoro W. *Azas-Azas Hukum Tata Negara Di Indonesia*, 1919.
13. Qamar N. *Hak Asasi Manusia Dalam Negara Hukum Demokrasi (Human Rights in Democratic Rechtsstaat)*, 2013.
14. Raharjo A, Angkasa A. Profesionalisme Polisi Dalam Penegakan Hukum. *Jurnal Dinamika Hukum*,2011:11(3):389–401.
15. Ratanto DY, Mulyadi D, Setiawan I. Peran Kepolisian Dalam Menanggulangi Geng Motor Yang Melakukan Tindak Pidana Pengeroyokan Dihubungkan Dengan Pasal 15 Ayat (1) Huruf C Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia: Studi Kasus Di Jalan Cipicung Kota Tasikmalaya. *Pustaka Galuh Justisi*,2023:2(1):406–422.
16. Santoso T. *Teori-Teori Kekerasan*. Jakarta: *Ghalia Indonesia*, 2002, 9–12.
17. Saputra R, Hendrawarman H. Perlindungan Hukum Terhadap Aparat Dalam Pengamanan Unjuk Rasa Yang Mengakibatkan Kerusuhan. *Jurnal Ilmiah Publika*,2023:11(1):14–24.
18. Setiawan KC. Pengaruh Motivasi Kerja Terhadap Kinerja Karyawan Level Pelaksana Di Divisi Operasi Pt. Pusri Palembang. *Psikis: Jurnal Psikologi Islami*,2015:1(2):43–53.
19. Soejono Dan Abdurrahman. *Metode Penelitian*. Pt Rineka Cipta, 1999.
20. Sugiyono. *Metode Penelitian Pendidikan: Pendekatan Kuantitatif, Kualitatif, Dan R&D*. Alfabeta, 2016.
21. Utomo WH. *Hukum Kepolisian Di Indonesia*. Prestasi Pustaka Publisher, 2005.