

Enhancing Indonesian National Police Penal Mediation Through Conflict Mediator Certification for Bhabinkamtibmas

Submitted 30 September 2024, Revised 11 November 2024, Accepted 9 December 2024, Published 18

December 2024

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DOI : <https://doi.org/10.35879/jik.v18i3.463>

Abstract

This research seeks weaknesses in the internal police regulations concerning the duties of *Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat (Bhabinkamtibmas)*. There was a conflict in the duties of the *Bhabinkamtibmas*, which is tasked with maintaining the security of public safety (*Harkamtibmas*), but can also carry out criminal investigation duties, penal mediation. Penal mediation embodies the concept of restorative justice which has been implemented by the Indonesian National Police (INP) through the role of *Bhabinkamtibmas*. Doctrinal study is being used in this research, where it used documents found regarding the problem. The document analysis is conducted toward documents informing the implementation of conflict mediator certification for *Bhabinkamtibmas* in case of horizontal conflict resolution, such as related internal police regulations. From documents analyzed, it was found that there has been an absence of regulation in place for *Bhabinkamtibmas* regarding penal mediation mechanism. Apart from their main duty ensuring public safety, *Bhabinkamtibmas* is expected to support the INP in carrying out their functions, including criminal investigations to resolve cases outside court. Practically, there have been some problems with horizontal conflict management by *Bhabinkamtibmas*. Based on this, the author initiated to certify conflict mediators within the *Bhabinkamtibmas* to enhance the effectiveness of INP penal mediation.

Keywords: Bhabinkamtibmas, horizontal conflicts, penal mediation, restorative justice, conflict mediator certification

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INTRODUCTION

The Indonesian National Police (INP) /*Kepolisian Republik Indonesia (Polri)* is a part of the Indonesian government functions responsible for maintaining public security and order as well as enforcing the law to achieve national goals. This is explicitly stated in Article 2 of the INP act Number 2 of 2002 (*Undang-undang tentang Polri*) which mentions, “*The police function is one of the state government functions in the field of maintaining public security and order, law enforcement, protection, guidance, and services to the community.*” In relation to this function, the current dynamic societal life

demands legal reforms in the INP institution, one of which is through the implementation of community policing.

Community Policing is a form of proactive policing that is oriented towards solving social problems through efforts to reduce fear in the community due to criminal disturbances by prioritizing crime prevention (Dwilaksana, 2009). In practice, community policing is carried out on the basis of cooperation between the police and the local community both in identifying and solving social problems in the community in order to build and maintain security in the neighborhood (*ibid.*). Successful implementation of community policing the success parameter of *community policing* is not in law enforcement or crime eradication in order to reduce the crime rate, but is much more oriented in creating social order and security in the community through preemptive action and preventive (Dwilakasana, 2019) but not repressive.

In Indonesia, community policy strategy first found in Chief of Police Decree No. Pol: 737/X/2005 (SKep 737/X/2005) on Policies and Strategies for Implementing the Community Policing Model in the Performance of Police Duties. As time goes by, the implementation of community policing strategy can be found within the INP the *Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat (Bhabinkamtibmas)* that plays a central role in restorative justice, one of the concept in criminal resolution as a result of penal mediation system. This central role, based on Articles 3 and 7 of *Perkap 7/2021* concerning *Bhabinkamtibmas*, includes: a) being able to detect symptoms that could cause issues within the community; b) providing solutions to anticipate problems; and c) maintaining public security and order to embody the concept of community policing itself. One common form implemented by *Bhabinkamtibmas* in community policing is handling horizontal conflicts (Thalib et al., 2022).

In handling horizontal conflicts, *Bhabinkamtibmas* adhere to internal INP legal provisions which state “*case cessation based on the concept of restorative justice.*” This is also related to the mechanism of terminating and resolving criminal cases outside the court by involving the perpetrator and the victim with the help of a third party who acts as a mediator and facilitator to assist in communication and root cause identification, known as penal mediation (Anggraeni, 2022). However, there is an issue with the provisions for case termination based on restorative justice principles in the INP regulations, the inadequate knowledge and skills of *Bhabinkamtibmas* officers as conflict mediators (Santoso and Surono, 2020). The regulations are Regulation of the Chief of Police Number 7 of 2008 on the Basic Guidelines for the Strategy and Implementation of Community Policing in Case Resolution through Alternative Dispute Resolution (*Perkap 7/2008*), Chief of Police Circular Letter Number Pol: B/3022/XII/2009/SDEOPS on Case Handling Through Alternative Dispute Resolution (*Sekap B/3022/XII/2009*), Chief of Police Circular Letter Number SE/8/VII/2018 on the Implementation of Restorative Justice in the Resolution of Criminal Cases (*Sekap No: SE/8/VII/2018*), Regulation of the Chief of Police Number 6 of 2019 on the Investigation of Criminal Offenses (*Perkap 6/2019*), and INP Regulation Number 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice

(*Perpol 8/2021*). Therefore, this writing proposes a competency standard for mediators for *Bhabinkamtibmas* in handling horizontal conflicts. This study aims to analyze the crucial role of *Bhabinkamtibmas* as a mediator and problem solver. Unlike previous research, which tends to focus primarily on the technical regulations governing the work of *Bhabinkamtibmas*, this study emphasizes the significance of training and a structured regulatory framework in enhancing their effectiveness in mediating conflicts. The author also hopes that this research will contribute positively to the broader understanding of police work which in turn could enrich the policing studies field in Indonesia.

This paper consists of five sections. The first section is the introduction. The second section explains the origination of the concept to certify conflict mediators within the *Bhabinkamtibmas* to enhance the effectiveness of INP penal mediation regarding an absence of regulation. The third section explains the research method of the study. The fourth section discusses these research findings: 1) regulation and implementation of penal mediation by the INP, 2) main duties, authorities, and roles of the *Bhabinkamtibmas*, 3) status quo of provision of knowledge, competence, and skills in conflict handling for *Bhabinkamtibmas*, and 4) reasons for the the implementation of conflict mediator certification for *Bhabinkamtibmas* in case of horizontal conflict resolution to enhance the effectiveness of INP penal mediation. Lastly, this paper ends with the conclusions section."

METHOD

This research is a doctrinal study, employs document analysis (Bowen, 2009) to provide the findings. Documents referred to are written documents such as act, regulations, and literature study. The document analysis is conducted toward documents informing the implementation of conflict mediator certification for *Bhabinkamtibmas* in case of horizontal conflict resolution. The regulations are the publicly available regulations (e.g., *Perpol*, *Skep*, *Sekap*, and *Perkap*). The act used is the INP act Number 2 of 2002. Regulations used to analyze is *Perkap 7/2008*, *Sekap B/3022/XII/2009*, *Sekap No: SE/8/VII/2018*, *Perkap 6/2019*, *Perpol 8/2021*.

The last document is literature study in a presentation form with the title of "*Capaian Kinerja Sepanjang Tahun 2023: Wujud Akuntabilitas dan Transparansi Kami Kepada Masyarakat Sebagaimana Transformasi Polri yang Presisi*" in a end-of-year press release in 2022 and 2023 by General Listyo Sigit Prabowo, Chief of the INP. The documents are reviewed to reveal the narrative (Bullock, 2020; Clark et al., 2021) description of the application of the functional position by the INP and its future development.

RESULTS AND DISCUSSION

The Indonesian National Police (INP) has recently become one of the law enforcement agent actively implementing penal mediation system based on restorative justice concept (Bambang Slamet Eko Sugistiyoko, 2021, p.53). INP carries this out in order to actualize Article 204 of Law Number 8 of 1981 on the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana*) and Article 2

paragraph (4) of Law Number 48 of 2009 on Judicial Power (*Kekuasaan Kehakiman*), which emphasize the principles of quick, simple, and low-cost justice. On the other hand, the mechanism for penal mediation implementation based on restorative justice concept by INP is not explicitly regulated in all the current legal provisions either in Indonesian regulations in general or specifically in INP Regulations (Pahare et al., 2023). This is evidenced by the fact that INP only applies penal mediation based on legal provisions that mention "*penghentian perkara berdasarkan konsep restorative justice.*", while a regulation should clearly mention the mechanism in running a system or concept. The provisions regarding case termination based on the concept of restorative justice can only be found partially without the mechanism in INP's internal regulations (Adila et al. 2024), such as INP Regulations (*Peraturan Kepolisian/Perpol*), INP Decrees (*Surat Keputusan Kepolisian Republik Indonesia (Polri)/Skep*), Circular Letters of the Chief of INP (*Surat Edaran Kepala Kepolisian Republik Indonesia (Kapolri)/Sekap*), and Regulations of the Chief of INP (*Peraturan Kapolri/Perkap*). In fact, the effectiveness and efficiency of law enforcement depend on: a) the extent to which officers are bound by existing regulations; b) the extent to which officers are allowed to exercise discretion; c) the type of example that officers should set for the community; and d) the extent to which the synchronization of tasks given to officers limits their authority (Soerjono Soekanto, 2008, p. 8). Based on this, it can be concluded that the application of penal mediation by INP is not yet explicitly and firmly regulated, leading researchers to believe that law enforcement as described by Gustav Radbruch—namely utility (*zweckmässigkeit*), justice (*gerechtigkeit*), and legal certainty (*rechtssicherheit*)—is not being achieved (Mario Julyano and Aditya Sulistyawan, 2019, p.9).

Over the past two years, the Indonesian National Police (INP) has terminated a significant number of cases through penal mediation based on restorative justice concept. In his end-of-year press release for 2022, General Listyo Sigit Prabowo, Chief of the INP, announced that in 2022, the police handled a total of 276,507 cases, of which 15,809 were resolved through restorative justice. (Wildan Noviansah, 2022). Then, also based on the year-end press release for 2023, as directly stated by General Listyo Sigit Prabowo at the National Police Headquarters on December 27th, 2023, the termination of cases based on the concept of restorative justice amounted to 288,472 cases (Listyo Sigit Prabowo, 2023). Due to the past three years data, it is evident that the termination of cases based on the concept of restorative justice is very high. Given this, a question arises—to what extent are the regulations regarding the application of penal mediation based on the concept of restorative justice by the police?

Connecting the above data, one of the most emphasized roles currently by the INP in implementing penal mediation based on the concept of restorative justice is the *Bhabinkamtibmas*. This is a reflection of the elimination of investigative authority at the Sector Police level based on Police Decrees Number: KEP/613/III/2021 on the Designation of Sector Police for Maintenance and Order (*Penunjukkan Kepolisian Sektor Untuk Pemeliharaan dan Ketertiban*). Moreover, in May 2023, the INP through Commissioner General Mohammad Fadil Imran, INP Security Maintenance Agency/*Badan*

Pemeliharaan dan Keamanan (Baharkam Polri) launched the Polisi RW programme, aimed at focusing police functions on maintaining public order and security at the neighborhood level, which is more micro than *Bhabinkamtibmas* (Rahel Narda Chaterine and Novianti Setuningsih, 2023). According to Article 1 paragraphs (3) and (4) of *Perkap* Number 7 of 2021 (*Perkap 7/2021*) on *Bhabinkamtibmas*, they are the INP members tasked with public order and security functions to ensure national development marked by security, order, law enforcement, and community tranquility. This includes the ability to foster, develop community potential, and prevent, counteract, and address all forms of legal violations and disturbances that may concern the community (Maulana and Harahap, 2024). This aims to ensure that the main functions and duties of INP in maintaining public order and security, as specified in Article 2 of the INP act, particularly entrusted to *Baharkam*, are realized effectively and efficiently through the functions of *Bhabinkamtibmas*.

From a background perspective, the realization of *Bhabinkamtibmas* is essentially a result of the development of the community policing concept worldwide. Community policing is a proactive form of policing oriented towards solving social problems through efforts to reduce fear in the community due to criminal disturbances, prioritizing crime prevention with a focus on community involvement and roles. This is done to orient the INP's main functions and duties towards creating social order and security through preemptive and preventive actions rather than repressive ones, fostering partnerships with the community (Ningtias, 2022). Nevertheless, based on current regulations regarding the duties, authorities, and roles of *Bhabinkamtibmas*, they are not only responsible for maintaining public order and security but are also expected to assist in other functions of the Indonesian National Police (INP), such as intelligence, *Samapta Bhayangkara* (*Sabhara*), and criminal investigation (*Reserse Kriminal* or *Reskrim*) (Utomo, 2024).

Regarding the legal basis for implementing criminal investigation functions in the form of case termination based on restorative justice by *Bhabinkamtibmas*, this can be found in Article 16 paragraph (8) letter d of INP Regulation Number 1 of 2021 on Community Policing (*Perpol 1/2021 tentang Pemolisian Masyarakat*), which states:

“Assisting in the administration of criminal investigation functions as referred to in paragraph (3) letter d, consisting of: a) resolving minor cases or disputes between citizens; b) developing information needed by the Police Sector/Police Resort (Polsek/Polres) in solving criminal cases, including finding/presenting suspects/witnesses/evidence; and c) receiving information/reports/complaints about the occurrence of criminal acts.”

The element of resolving cases or disputes is closely related to the implementation of penal mediation, as in this case, *Bhabinkamtibmas* acts as a third party facilitating or mediating when a crime occurs. The provision for penal mediation based on restorative justice by *Bhabinkamtibmas* is also strengthened in Article 2 paragraph (1) of INP Regulation Number 8 of 2021 on Handling Crimes Based on Restorative Justice (*Perpol 8/2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif*), which states *“penyelenggara fungsi reserse kriminal sebagaimana dimaksud pada ayat (1) huruf a, dilakukan oleh pengemban fungsi Pembinaan Masyarakat dan Samapta Polri sesuai dengan*

tugas dan wewenangnya," which means *Bhabinkamtibmas* itself. Additionally, the role of *Bhabinkamtibmas* in implementing penal mediation based on restorative justice can be further found in Article 14 of *Perpol 8/2021*, which includes:

- 1) Inviting conflicting parties;
- 2) Facilitating or mediating between parties;
- 3) Reporting the results of the mediation;
- 4) Recording in the restorative justice register book for resolving issues and terminating minor criminal investigations.

Based on those provisions, it is evident that *Bhabinkamtibmas* plays a central role as a mediator, particularly in resolving cases outside the court based on the concept of restorative justice, which is closely related to the implementation of penal mediation.

Given the legal foundation mentioned above, one of the frequent issues that serve as the basis for *Bhabinkamtibmas* in terminating cases through penal mediation based on the concept of restorative justice is handling horizontal conflicts (Santoso and Surono, 2021). Horizontal conflict refers to situations where there are differing or opposing interests, desires, or wills between affected individuals or groups who generally have relatively equal status (Ibrahim et al., 2023). Referring to this, in several cases, achieving these interests, desires, or wills can lead to conflicts on both small and large scales in Indonesia (Ridwan et al. 2023). The implications of horizontal conflicts surfacing in community life, whether on a small or large scale, often result in significant losses, such as the loss and destruction of property and even human casualties (Alfitra, 2017, p.1-3). On the other hand, if all horizontal conflicts in the community, especially small-scale ones, are continuously pursued through legal processes, it would result in an excessive caseload in the courts, which would impede the realization of quick, simple, and low-cost justice.

The demand for *Bhabinkamtibmas* to implement penal mediation based on the concept of restorative justice, particularly in handling horizontal conflicts, poses a concern in the researcher's view. This is because *Bhabinkamtibmas* lacks the knowledge, competence, and skills required to act as mediators. According to Bayley, the key to the effectiveness and efficiency of police officers in carrying out their duties lies in providing training and education (Bayley, 1988, pp.225-237). Similarly, Soerjono Soekanto suggests that one measure of legal effectiveness is assessing the resources and facilities supporting law enforcement (Soerjono Soekanto, 2008, pp.8). In response to these issues, the researcher proposes the certification of conflict mediators for *Bhabinkamtibmas*, especially in handling horizontal conflicts, to align with and optimize the development of restorative justice concepts through the implementation of penal mediation.

The proposal for conflict mediator certification for *Bhabinkamtibmas* is essentially a manifestation of the INP Professional Certification Institute/*Lembaga Sertifikasi Profesi (LSP) Polri*. *LSP Polri* operates under the INP Education and Training Institute (*Lembaga Pendidikan dan Pelatihan*

(*Lemdiklat Polri*) and aims to facilitate activities such as identifying competency needs, developing test materials, and qualifying to enhance the quality of *Polri*'s human resources through education, training, and career development based on established competency standards. However, *Lemdiklat Polri* has yet to implement certification for the community development function/*binmas*, specifically for *Bhabinkamtibmas* acting as conflict mediators. Despite *Bhabinkamtibmas* being at the forefront of *Polri* in the practice of case termination as conflict mediators, which correlates with the implementation of penal mediation based on restorative justice, their existence as mediators and community safety guardians is not fully optimized. Hence, there is a need for mediator competency standards to serve as guidelines and references for *Bhabinkamtibmas* themselves.

Regulation and Implementation of Penal Mediation by the INP

The implementation of penal mediation based on restorative justice is often carried out by the INP. This is evidenced by the restorative justice based case resolutions based over the past 2 (two) years. In 2022, a direct statement from General Listyo Sigit Prabowo, Chief of the INP during the year-end release, noted that throughout 2022, there were 276,507 cases handled by *Polri*, of which 15,809 cases applied restorative justice. Furthermore, based on the 2023 year-end press release delivered directly by General Listyo Sigit Prabowo as well at the National Police Headquarters on December 27th, the cessation of cases based on the concept of restorative justice amounted to 288,472 cases. Considering the data from the past two years, it is evident that the cessation of cases based on the concept of restorative justice is very high (Wildan Noviansah, 2022). This raises a question—to what extent are the regulations regarding the application of penal mediation based on the concept of restorative justice by *Polri*? Here is the explanation.

- 1) Chief of INP Regulation No. 7 of 2008 on Basic Guidelines on Community Policing Strategy and Implementation in Case Management through Alternative Dispute Resolution (*Perkap 7/2008*)

Chief of INP Regulation No. 7 of 2008 on Basic Guidelines on Community Policing Strategy and Implementation in Case Management through Alternative Dispute Resolution (*Perkap 7/2008*) marks the beginning of the concept of resolving cases outside the court, particularly within the *Polri* institution. *Perkap 7/2008* applies a form of community policing aimed at synergizing communication, participation, autonomy, and proactive measures between *Polri* and the community through partnerships to create security, order, and tranquility in community life. While *Perkap 7/2008* does not explicitly mention penal mediation, it does refer to ADR, where Article 14 letter f states:

“The application of the ADR concept (a pattern of social problem-solving through more effective alternative routes such as efforts to neutralize problems other than through legal or non-litigation processes), for example, through reconciliation efforts.”

The provision of Article 14 letter f in *Perkap 7/2008* indicates that Polri has begun to apply the practice of resolving cases outside the court, despite not explicitly mentioning penal mediation in the police regulations.

2) Chief of INP Circular Letter No. Pol: B/3022/XII/2009 on Case Management through Alternative Dispute Resolution (*Sekap B/3022/XII/2009*)

Chief of INP Circular Letter No. Pol: B/3022/XII/2009 on Case Management through Alternative Dispute Resolution (*Sekap B/3022/XII/2009*) can be considered a more refined embodiment of ADR because it substantively explains the steps for INP members to implement ADR (as a follow-up to *Perkap 7/2008* which only discussed ADR as a conceptual framework for case resolution). Based on *Sekap B/3022/XII/2009*, the Chief of the INP ordered all his subordinates to take steps to implement law enforcement based on ADR as follows:

- 1) Strive for the handling of criminal cases with very small material/economic losses to be resolved through the ADR concept;
 - 2) The resolution of criminal cases using ADR must be agreed upon by the disputing parties, but if no agreement is reached, it should be resolved according to applicable legal procedures in a proportional and professional manner;
 - 3) The resolution of criminal cases using ADR must be based on deliberation and consensus and must be known by the local community, involving local neighborhood and community leaders;
 - 4) The resolution of criminal cases using ADR must respect applicable social/legal norms and meet the principles of justice;
 - 5) Empower community policing members and utilize the Independent Learning Activity Units (*Edukasi Kegiatan Belajar Mandiri/EKBM*) in each area to identify criminal cases with very small material economic losses that can be resolved through the ADR concept; and
 - 6) Cases resolved through the ADR concept should not be further touched by other legal actions that are counterproductive to community policing.
- 3) Chief of the INP Circular Letter No. SE/8/VII/2018 on the Implementation of Restorative Justice in Criminal Case Resolution (*Sekap No: SE/8/VII/2018*)

The presence of Chief of the INP Circular Letter No. SE/8/VII/2018 on the Implementation of Restorative Justice in Criminal Case Resolution (*Sekap No: SE/8/VII/2018*) aims to resolve cases based on restorative justice concept to avoid diverse administrative practices or interpretations by investigators in its implementation. *Sekap No: SE/8/VII/2018* serves as the legal foundation and guideline for INP members in conducting investigations or inquiries, including legal protection guarantees and supervisory control in the application of restorative justice principles. It should be emphasized that *Sekap No: SE/8/VII/2018* stresses that restorative



justice principles should not be interpreted merely as methods of amicable case termination, but rather as efforts to fulfill the sense of justice for all parties involved in criminal cases through involvement of perpetrators, victims, and the local community, especially investigators as mediators. Furthermore, *Sekap No: SE/8/VII/2018* mentions that case resolutions (including reconciliation agreements and withdrawal of the right to prosecute by the victim) must be approved by a judge through the Public Prosecutor to revoke the right to prosecute by the victim and the prosecutor themselves. The implication of revoking the right to prosecute through judicial determination by the Public Prosecutor indicates a strong effort to implement penal mediation in police regulations by the INP.

4) Chief of the INP Regulation of the No. 6 of 2019 on Criminal Investigation (*Perkap 6/2019*)

Considering that the process of investigation and inquiry so far has only been regulated in the Law Number 8 of 1981 on the Criminal Procedure Code, and in order to unify the provisions regarding investigations/inquiries by the INP, the Chief of the INP issued Regulation of the Chief of the INP Regulation No. 6 of 2019 on Criminal Investigation (*Perkap 6/2019*) to meet organizational needs that were still lacking. Another expectation is that *Perkap 6/2019* aims for investigators to perform their duties, functions, and authorities professionally, transparently, and accountably in handling criminal cases before being transferred to the Prosecutor's Office. In Article 12 of *Perkap 6/2019*, it explains the application of criminal case resolution based on restorative justice related to the formal and material requirements. It needs to be emphasized again that the provisions in *Perkap 6/2019* do not literally mention penal mediation, but the concepts embedded in it essentially refer to the context of penal mediation itself. This indicates significant efforts to implement penal mediation at the investigation stage by the INP, even though the legal standing or strength of the regulations and the Chief of the INP's regulations still lack a strong foundation. As previously emphasized by the researcher, the presence of the Chief of INP's Regulations essentially fills a legal void.

5) Indonesian National Police (INP) Regulation of the No. 8 of 2021 on Handling Criminal Cases Based on Restorative Justice (*Perpol 8/2021*)

The issuance of *Perpol 8/2021* as a reform of police regulations by the INP in resolving criminal cases based on restorative justice provides space for Polri members to resolve criminal cases outside formal courts. *Perpol 8/2021* can be said to be far more comprehensive in regulating the provisions of resolving criminal cases through restorative justice as the functions of Polri are specifically outlined. This provision can be found in Article 2 paragraph (1) of *Perpol 8/2021*, which states “*the implementation of the criminal investigation function as referred to in paragraph (1) letter a, is carried out by community policing and public order functions of Polri according to their duties and authorities.*” Referring to this, the function of

Bhabinkamtibmas appears to be able to implement the mechanism of penal mediation based on the concept of restorative justice as mentioned in Article 14 of *Perpol 8/2021*, namely:

- 1) Inviting conflicting parties;
- 2) Facilitating or mediating between parties;
- 3) Reporting the results of mediation implementation; and
- 4) Recording in the register of restorative justice for problem-solving and termination of investigation of minor criminal offenses.

It is necessary to emphasize once again that the provisions in *Perpol 8/2021* still do not explicitly mention penal mediation in writing. However, the concept contained therein essentially refers to the context of penal mediation itself, so its legal foundation is still relatively weak.

Thus, from all the police regulations from Polri mentioned above, including *Perpol*, *Skep*, *Sekap*, and *Perkap*, which discuss the resolution of cases outside the court, the researcher believes that the INP genuinely strives for the implementation of penal mediation in resolving criminal cases, even though there is no regulation that explicitly mentions penal mediation. This results in a legal vacuum. Therefore, to fill this legal vacuum, the implementation of penal mediation in the INP, particularly for *Bhabinkamtibmas*, is nothing more than the embodiment of discretion. However, before discussing further the explanation of discretion, it is necessary to first explain the legal status of INP's regulations within the structure of the legislation in Indonesia.

Main Duties, Authorities, and Roles of Bhabinkamtibmas

According to Article 13 of the INP act, it explicitly states that the main duties of the INP are to maintain public order and safety, enforce the law, and provide protection, guidance, and services to the community. Referring to this, the main duty of maintaining public order and safety, INP has its own Work Unit, namely *Baharkam Polri*. on Article 19 paragraphs (1) and (2) of Presidential Regulation Number 52 of 2010 concerning the Organization and Work Procedures of INP (*Peraturan Presiden tentang Susunan Organisasi dan Tata Kerja Polri*), *Baharkam Polri* is stated as "(1) the main task executor element in the field of security coaching and maintenance under the Chief of Police (*Kapolri*); (2) *Baharkam* as referred to in paragraph (1), is tasked with assisting *Kapolri* in the context of guiding and organizing the function of security maintenance which includes efforts to improve security and order conditions in the community to realize domestic security." In carrying out these main duties, *Baharkam Polri* has a special function called *Bhabinkamtibmas*. *Bhabinkamtibmas* itself plays a central role in realizing partnerships with the community as it is required to detect symptoms that can cause problems in the community, find solutions to anticipate problems, and maintain public order and safety in order to embody the concept of community policing itself (*Krisnawan and Lubis, 2024*).

Bridging the statement above, the central role of *Bhabinkamtibmas* is evident from the removal of investigative authority at the Police Sector based on Decree Number: KEP/613/III/2021 concerning the Designation of Sector Police for Maintenance and Order (*Surat Keputusan tentang Penunjukkan*

Kepolisian Sektor Untuk Pemeliharaan dan Ketertiban). Moreover, in May 2023, Polri launched the Neighborhood Association Police (hereinafter referred to *Polisi RW*) programme, which is programmed to focus police functions on maintaining public order and security at the regional level, specifically areas that are more micro compared to *Bhabinkamtibmas*. Looking at the existence of *Polisi RW* and *Bhabinkamtibmas*, both essentially have the same scope of duties and roles, in this case, *Polisi RW* is responsible for maintaining and preserving public order and safety in the task area at the neighborhood level, while *Bhabinkamtibmas* is responsible at the sub-district level. The presence of *Polisi RW* and *Bhabinkamtibmas* shows that the concept of community policing is increasingly prioritized in policing. Therefore, it is necessary to first understand the main duties, authorities, and roles of *Bhabinkamtibmas* in the following discussion.

Regulations governing *Bhabinkamtibmas* have evolved, including the 2009 INP Chief Decision (*Pol.KEP/II/2009*), which amended the 1997 INP Field Guide (*Pol/17/VII/1997*), changing the term from "Bintara Pembina Kamtibmas" to "Bhayangkara Pembina Kamtibmas," or more commonly, *Bhabinkamtibmas*. Then, the foundation regarding *Bhabinkamtibmas* was renewed again in *Perkap 3/2015* concerning Polmas as previously described, which comprehensively discusses the main duties, authorities, and roles of *Bhabinkamtibmas* in the context of implementing community policing itself (Puspasari Setyaningrum, 2022). Not only that, in order to keep up with developments, the INP renewed the regulations regarding *Bhabinkamtibmas* and regulated them specifically and separately with *Perkap Number 7/2021* concerning *Bhabinkamtibmas* (*Perkap 7/2021*), which is quite comprehensive because this regulation not only governs the main duties, authorities, and roles as stipulated in previous regulations but also regulates the formation, supervision, and control of *Bhabinkamtibmas* so that the existence of *Bhabinkamtibmas* as an INP function is more considered. Here are the main duties, authorities, roles, and stages of appointment of *Bhabinkamtibmas* based on *Perkap 7/2021*.

1. Duties of *Bhabinkamtibmas*

Based on Article 3 of *Perkap 7/2021*, the duties of *Bhabinkamtibmas* are as follows:

- 1) Conduct community guidance (Article 3 paragraph (1) letter a) community guidance as referred to in Article 3 paragraph (1) letter a is carried out by (Article 4 letter a):

Empowering the community to actively participate in the actual developments in their environment, which include:

- a) The presence of residents and new arrivals and their activities;
- b) The existence of suspicious individuals, recidivists, or those wanted, the activities of certain extremist groups including terrorism, the administrators of community organizations/political organizations and the biodata or identity of the administrators and members;
- c) Supervision of empty houses, places, and boarding houses;

- d) Supervision and prevention of activities using firearms, fish bombs, and explosives illegally;
 - e) Building community awareness to understand potential vulnerabilities; and
 - f) Developing the potential within the community.
- 2) Gathering information and opinions from the community to obtain input on various issues about the implementation of Police functions and services as well as problems developing in the community (Article 3 paragraph (1) letter b)
- 3) Gathering information and opinions from the community is carried out by visits, outreach, engagement, or other two-way communication methods (Article 5 paragraph (1)). Visits as referred to in Article 5 paragraph (2) are targeted at:
- a) People
Namely all community potentials including village/*kelurahan* government officials and community leaders such as traditional, religious, and youth leaders;
 - b) Places
Including among others: houses; offices; social and public facilities (places of worship, educational places, markets, tourist spots, sports places, hospitals/health centers, shelters, and public cemeteries); and
 - c) Community activities.

Also, in gathering information and opinions from the community through visits as referred to in Article 5, activities include (Article 6 paragraph (1)):

- a) Making a weekly visit plan;
- b) Reporting the daily visit policy plan which includes:
 - b.1 Matching the visit targets according to the weekly activity plan;
 - b.2 Checking individual and equipment completeness; and
 - b.3 Time of implementation.

In carrying out visit activities as mentioned above, *Bhabinkamtibmas* must pay attention to (Article 6 paragraph (2)):

- a) Introducing oneself;
- b) Asking about the condition of the family being visited;
- c) Using easily understandable language;
- d) Considering the situation and comfort of the residents to be visited;
- e) Adjusting the communication pattern material to the background of the residents to be visited;
- f) Using available socialization materials through brochures, *Bhabinkamtibmas* smart books, and community development applications;

- g) Conveying important information about public order and safety, including:
 - g.1 Public order and safety disturbances and prevention methods;
 - g.2 Emergency actions if crimes and disasters occur by contacting *Bhabinkamtibmas* or the nearest Police Sector office; and
 - g.3 The process of reporting/handling permits/certificates issued by Polri.
- 4) Serving the interests of community members temporarily before being handled by the relevant authorities and/or parties;
- 5) Guiding and training community security unit officers;
- 6) Attending community activities/events in the village/kelurahan to deliver public order and safety messages;
- 7) Performing auxiliary tasks and mobilizing community members to address and recover conditions in case of natural and non-natural disasters, together with officials and other community components;
- 8) Assisting other functional units in handling or processing the crime scene; and
- 9) Conducting early detection of potential public order and safety disturbances.

2. Authority of *Bhabinkamtibmas*

In carrying out the duties as mentioned above, according to Article 7 of *Perkap 7/2021*, *Bhabinkamtibmas* is authorized to:

- 1) Receive reports/complaints from the public;
- 2) Manage and secure community activities;
- 3) Supervise, monitor, and record religious teachings/beliefs within the community; and
- 4) Assist related functions in taking initial action at the crime scene.

3. Role of *Bhabinkamtibmas*

Regarding their role, in performing the duties and authority as mentioned above, Articles 8 and 9 of *Perkap 7/2021* state that *Bhabinkamtibmas* acts as a community policing officer in the village/sub-district and coordinates with the village head, village supervisory officer, and community leader by Maintaining security and order and enhancing their involvement in prevention efforts and responses to various issues within the society (Tanjung, 2023). *Bhabinkamtibmas* serves as the bridge between the police and the community, promoting active community involvement in maintaining security and order. By conducting structured visits, utilizing simple communication, and sharing information on public safety (*Kamtibmas*), *Bhabinkamtibmas* strengthens community awareness and cooperation. Their authority to receive complaints, manage public activities, and act as first responders at incident scenes enables them to address issues promptly, fostering a proactive approach to community security. Through its duties, authorities, and roles, *Bhabinkamtibmas* plays a vital role in supporting a stable, safe, and responsive environment, also sustainable community security, that is aligned

with the INP's broader goals of maintaining order and building a resilient and harmonious society (Haqqani, 2023).

Explanation Regarding the Lack of Knowledge, Competence, and Skills Training in Conflict Management for Bhabinkamtibmas

To enhance the function of *Bhabinkamtibmas*, INP has an institution called Pusat *Pendidikan dan Pelatihan Masyarakat Polri (Pusdik Binmas Polri)*/Community Development Education and Training Center, which is under the auspices of the *Lemdiklat Polri* (Putra Ari Wijayanto, et al., 2021, pp.40). According to the Article 1, Paragraph (24), Regulation of the Chief of the INP Number 21 of 2010 on Organizational Structure and Work Procedures of Organizational Units at the Headquarters Level of the Indonesian National Police (*Perkap 21/2010*), as updated by *Perkap* Number 6 of 2017 concerning the Organizational Structure and Work Procedures of Organizational Units at the Headquarters Level of the Indonesian National Police (*Perkap 6/2017 tentang Susunan Organisasi dan Tata Kerja Satuan Organisasi pada Tingkat Markas Besar Polri*), *Lemdiklat Polri* is a supporting element in the fields of research, study, and development at the Headquarters level of INP under the Chief of Police (*Kapolri*). Historically, the *Pusdik Binmas Polri* was established on July 31st, 2012, based on the Chief of Police Decision Number: Kep/444/VII/2012 concerning the Establishment of the Community Development Education Center within the Polri Education Institute (*Keputusan Kapolri tentang Pembentukan Pusat Pendidikan Pembinaan Masyarakat di Lingkungan Lembaga Pendidikan Kepolisian*). This Chief of Police Decision followed up on a letter from the Ministry of Administrative and Bureaucratic Reform Number: B/2063/M/PAN-RB/7/2012 dated July 5, 2012, regarding the Proposal for the Establishment of a Community Development Education Center within the INP Education Institute (*Surat Kementerian Pendayagunaan aparatur Negara dan Reformasi Birokrasi tentang Hal Usul Pembentukan Pusat Pendidikan Pembinaan Masyarakat di Lingkungan Lembaga Pendidikan Kepolisian/Kemenpan-RB Letter*). The purpose of establishing *Pusdik Binmas Polri* is none other than to provide a center for police function education and training, serving as a means of fostering and enhancing the competencies of INP human resources, particularly those related to the duties, authorities, and roles of *Bhabinkamtibmas*, who are the bearers of community development functions. Consequently, by following up on the Chief of Police's Decision and the *Kemenpan-RB Letter*, the *Pusdik Binmas Polri* Headquarters was established in Kebondowo Village, Banyubiru District, Semarang Regency, Central Java Province, based on *Perkap 21/2010* as updated by *Perkap 6/2017*.

Next, *Pusdik Binmas Polri* is tasked with implementing and organizing Specialized Development Education and Training/*Pendidikan dan Pelatihan Pengembangan Spesialisasi (Dikbangspes)*, which includes participants such as First Officers (*Perwira Pertama*), Middle Officers (*Perwira Menengah*), and Non-Commissioned Officers (*Bintara*) of INP responsible for community development functions. The purpose of *Dikbangspes* is to improve knowledge, competence, and skills, particularly concerning



the abilities of *Bhabinkamtibmas* in the field. So far, the *Dikbangspes* organized by *Pusdik Binmas Polri* includes the following:

- 1) *Dikbangspes* for *Bintara Bhabinkamtibmas*
- 2) *Dikbangspes* for Technical Functions and Operational Management of Community Development
- 3) *Dikbangspes* for *Gada Pratama* Security Instructor
- 4) *Dikbangspes* for *Community Policing*
- 5) *Dikbangspes* for *Saka Bhayangkara* Scout Leaders
- 6) *Dikbangspes* for *Polri Preachers/Da'i*
- 7) *Dikbangspes* for Humane Social Conflict Management

Referring to one of the forms of *Dikbangspes* mentioned above related to this research, the *Dikbangspes* for Humane Social Conflict Management intersects with the handling of horizontal conflicts, which needs further discussion.

In supporting the government's program in human resource development, the Chief of INP has established the transformation policy of *Polri* with the slogan Predictive, Responsibility, and Transparency with Justice (*Presisi*) and implemented it in priority programs, one of which is making INP's human resources superior in the era of 4.0 (Edi Saputra Hasibuan, 2022, pp.18). To realize the implementation of these programs, INP needs to enhance the abilities of all human resources, both in technical operational police skills and in the development field through the implementation of *Lemdiklat Polri*. Referring to this, one of the implementations of *Polri* education and training is through the organization of the *Dikbangspes* for Humane Social Conflict Management concerning the community development function of INP, organized by *Pusdik Binmas Polri*. The purpose of this *Dikbangspes* is to support the operationalization of the specialized development education of *Bintara Polri* who are tasked with the direct handling of social conflicts in their areas of duty, based on the methods specified in the INP Educational Teaching Material (*Bahan Ajaran/Hanjar*) on the Introduction to Social Conflict Management.

One of the *Hanjar* that this study found regarding the Introduction to Social Conflict Management can be found in the *Lemdiklat Polri* Decision Number: Kep/297/III/2023 concerning the INP Education *Hanjar* on the Introduction to Social Conflict Management for the Specialized Development Education of Non-Commissioned Officers in Humane Social Conflict Management for the Fiscal Year 2023. This decision legitimizes the INP's *Hanjar* on the Introduction to Social Conflict Management for the Specialized Development Education of Non-Commissioned Officers in Humane Social Conflict Management/*Pengantar Penanganan Konflik Sosial untuk Dikbangspes Bintara Penanganan Konflik Sosial secara Humanis Tahun Anggaran 2023*. The *Hanjar* consists of three main topics, which include the concept of social conflict, the humanist concept, and the concept of social conflict management. The researcher summarizes these three main topics as follows:



- 1) In the concept of social conflict, it is necessary to understand, among other things:
 - a) The definition of social conflict as a form of interaction that occurs either at the individual or group level where one party tries to eliminate the other;
 - b) Types and consequences of social conflict, including intra-individual conflict, inter-individual conflict, and group/organizational conflict;
 - c) Types of social conflict, including hidden/latent conflicts, surface conflicts, and open conflicts;
 - d) The advantage of a positive view of social conflict is that it can bring issues to the negotiation table, thereby resolving problems;
 - e) Views on social conflict include traditional views, humanist views, and interactional views;
 - f) Theories of the causes of conflict and ways to overcome them, including community relations theory, principled negotiation theory, human needs theory, intercultural misunderstanding theory, and conflict transformation theory;
 - g) Conflict styles, including competition, accommodation, avoidance, collaboration, and compromise;
 - h) Social conflict stages vary in a specific situation and recur in the same cycle; and
 - i) Steps in social conflict management include conflict prevention, conflict resolution, conflict management, conflict resolution, and conflict transformation.
- 2) In the humanist concept, it is necessary to understand, among other things:
 - a) The definition of humanism as an attitude or action of a person who upholds and prioritizes humanitarian principles and considers the interests of humanity as a whole;
 - b) The goal of humanism is to humanize humans through self-actualization, self-understanding, and optimal self-realization;
 - c) Humanist characteristics include prioritizing human interests and the ability to build positive things in society;
 - d) Types of humanism include religious and secular humanism.
- 3) In the concept of social conflict management, it is necessary to understand, among other things:
 - a) The definition of social conflict management is a series of systematic and planned activities in situations and events before, during, and after the occurrence of conflict, including conflict prevention and conflict recovery;
 - b) Principles of social conflict management include humanity, human rights, nationality, kinship, and *Bhinneka Tunggal Ika* (Unity in Diversity);
 - c) The goal of social conflict management is to create a safe, peaceful, and prosperous community life;

- d) Sources of social conflict include issues related to politics, economy, society, and culture; and
- e) The scope of social conflict management includes conflict prevention, conflict cessation, and post-conflict recovery.

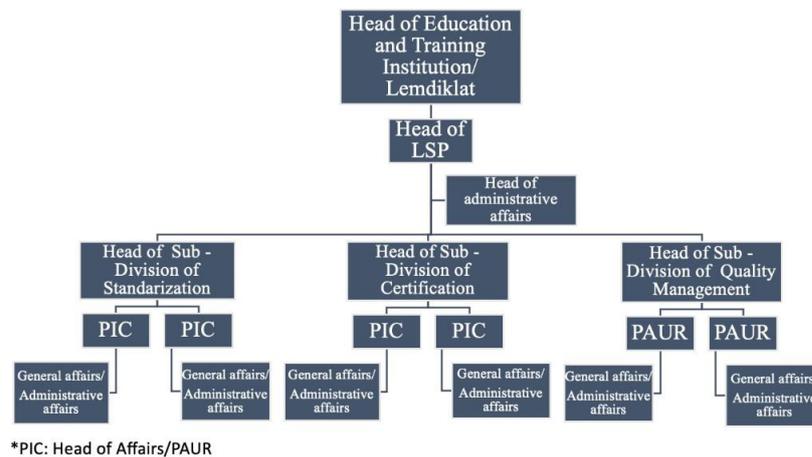
Considering the *Dikbangspes* for Humane Social Conflict Management as explained above, there are provisions mentioning the scope of conflict management that can be carried out by *Bhabinkamtibmas*, namely in the resolution and recovery of cases. On the other hand, these provisions do not specifically explain how *Bhabinkamtibmas* are equipped with knowledge, competence, and skills in conflict management, especially as mediators in conflict resolution. In the Hanjar, there are no tasks given to *Bhabinkamtibmas* either in handling crime deeds or resolving minor cases, especially through penal mediation with restorative justice concept. Hence, there are no clear regulations regarding the authority of *Bhabinkamtibmas* to carry out criminal investigation functions. Furthermore, due to the lack of legal certainty, *Bhabinkamtibmas* are not trained formally to handle conflicts. The absence of formal training in mediation techniques and conflict resolution leaves them unprepared to address the underlying causes of disputes effectively (Kurnianto et al., 2022). These skills are essential for them to act as neutral mediators, fostering dialogue between conflicting parties and facilitating constructive solutions. The lack of clear guidelines or training in these area limits.

However, in practice, *Bhabinkamtibmas* often face issues, especially in handling horizontal conflicts – within communities, which involve disputes between individuals or groups that are on equal footing rather than between the state and an individual. For example, in 2022, a horizontal conflict occurred in the area of Jalan Gang Besan, RW 01, Rawabuntu Village, Serpong District, South Tangerang (Jln. Gang Besan). The cause of the conflict was the closure of a road access by a solid concrete wall, standing 2 meters high. The closure was built across the middle of the alley and extended 30 meters in length. This road was used by local residents as an access point to enter and exit their area, which resulted in difficulties for the residents of Jln. Gang Besan in carrying out their daily activities. The conflict was addressed by *Bhabinkamtibmas* at Serpong Police Sector, with four penal mediation meetings held from August 2022 to October 2023. However, no resolution was reached.

The failure of the mediation process can be attributed to the lack of proper training, knowledge, and conflict resolution skills among the *Bhabinkamtibmas* officers, as they had not participated in the *Dikbangspes* for Humane Social Conflict Management. There is an urge for *Bhabinkamtibmas* to get formal training in penal mediation, especially mediator ability. Restorative justice concept must be integrated into the training as it is focused on repairing harm and restoring relationships by emphasizing accountability, active participation, and dialogue. Training in mediation techniques, such as active listening, empathy, and facilitating victim-offender dialogues, can help *Bhabinkamtibmas* officers manage disputes effectively.

Proposal for Conflict Mediator Certification for *Bhabinkamtibmas* in Efforts to Optimize the Implementation of Penal Mediation

The proposal for conflict mediator certification for *Bhabinkamtibmas* reflects the role of *LSP Polri*, second-party certification body under the *Lemdiklat Polri*. Established through *Perkap 21/2010* and updated by *Perkap 6/2017*, *LSP Polri* is responsible for certifying officers, including those involved in conflict resolution. Based on *Perkap 6/2017* (Sri, 2021), the organizational structure of *LSP Polri* can be described as follows:



Picture 1. Structure and Work Procedures in *LSP Polri*

Here is an explanation (including responsibilities) of each division within *LSP Polri*:

- 1) Head of *LSP Polri* is responsible to the Head of *Lemdiklat Polri*.
- 2) Standardization Subdivision has duties including:
 - a) Facilitating the identification of competency needs for educators, education staff, supervisors, and graduates of education and training.
 - b) Facilitating the development of competency standards.
 - c) Facilitating the development of certification schemes.
 - d) Facilitating the proposal of new competency standards to be established as work standards.
- 3) Certification Subdivision has duties including:
 - a) Developing competency and qualification test materials.
 - b) Conducting assessment activities.
 - c) Verifying competency test venues.
 - d) Recruiting Assessors and maintaining the competencies of both quality management Assessors and competency Assessors.
- 4) Management Subdivision has duties including:
 - a) Developing and implementing a quality management system.

- b) Maintaining the continuity of the management system to ensure it remains in accordance with the referenced standards and guidelines.
- c) Conducting internal audits and management reviews.

Summarizing the above explanation, the existence of *LSP Polri* is essentially tasked with organizing, among others: facilitating the identification of competency needs; developing competency test materials; and qualifying to improve the quality of INP human resources through education, training, and career development based on established competency standards.

Currently, *LSP Polri* has obtained a License Certificate from the National Professional Certification Agency/*Badan Nasional Sertifikasi Profesi (BNSP)* as stated in the Decision of the Chairman of *BNSP* Number Kep.004/BNSP/I/2023 concerning the License to the First Party Professional Certification Agency of *Lemdiklat Polri*. *BNSP* itself, based on Article 1 paragraph (2) of Government Regulation Number 10 of 2018 concerning the National Professional Certification Agency, is an independent institution formed to carry out work competency certification. Based on this, the purpose of *LSP Polri* is to guarantee, ensure, and maintain the competence of the human resources of INP members (Sri, 2021).

In carrying out the certification process for INP members, *LSP Polri* refers to the standards and procedures established by *BNSP* in *BNSP* Regulation Number 3/BNSP/III/2014 concerning the General Guidelines for the Licensing of Professional Certification Agencies. This guideline ensures that the professional certification process, especially for INP members, is carried out consistently, transparently, and in accordance with applicable certification principles. Some of the *BNSP* guidelines for *Polri* certification include:

1) Competency Standards

BNSP sets the competency standards that *Polri* members must meet in specific areas of expertise. These competency standards include knowledge, skills, and work attitudes relevant to the duties and responsibilities of *Polri* members. Currently, the competency standards possessed by *LSP Polri* include:

- a) Special Work Competency Standards for Security Service Businesses;
- b) Special Work Competency Standards for Riot Control Officers;
- c) Special Work Competency Standards for Very Important Person (VIP) Protection Officers;
- d) Special Work Competency Standards for Gegana Terror Countermeasure Forces;
- e) Special Work Competency Standards for *Polri* Psychological Counselors;
- f) Special Work Competency Standards for Testing Special Material Equipment for Public Security and Order;
- g) Special Work Competency Standards for *Polri* Animal Handlers;
- h) Special Work Competency Standards for *Polri* Psychologists;

- i) Special Work Competency Standards for Water Police Ship Commanders;
- j) Special Work Competency Standards for Command Center Officers and Command Center Standards Verification Team;
- k) Special Work Competency Standards for Specialized Police Fields;
- l) Special Work Competency Standards for *Polri* Planners;
- m) Special Work Competency Standards for *Polri* Translators;
- n) Special Work Competency Standards for Profession and Security/*Profesi dan Pengamanan (Propam)* *Polri* Auditors;
- o) Special Work Competency Standards for Archivists Certification;
- p) Special Work Competency Standards for Security Unit Services;
- q) Special Work Competency Standards for Gegana Technicians;
- r) Special Work Competency Standards for Legal Drafter Functional Positions;
- s) Special Work Competency Standards for Fingerprint Examiners and Facial Identification Examiners;
- t) Special Work Competency Standards for Forensic Examiners;
- u) Special Work Competency Standards for Police Record Certificate/*Surat Keterangan Catatan Kepolisian (SKCK)*;
- v) Special Work Competency Standards for Investigators and Assistant Investigators;
- w) Special Work Competency Standards for Highway Patrol Officers;
- x) Special Work Competency Standards for Driver's License/*Surat Izin Mengemudi (SIM)* Examiners;
- y) Special Work Competency Standards for *Polri* Educators; and
- z) Special Work Competency Standards for Supervisors.

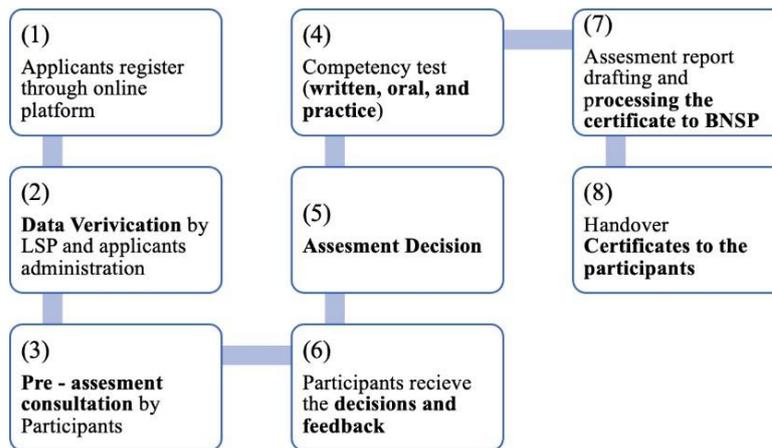
From the above enumeration of Special Work Competency Standards, it is evident that there is still no standard regarding the competency for Bhabinkamtibmas in the application of penal mediation based on the concept of restorative justice in handling horizontal conflicts.

2) Certification Scheme

BNSP sets certification schemes that cover various levels or tiers of certification, depending on the complexity and expertise being tested. These certification schemes help organize the certification process according to the rank and role of *Polri* members.

3) Certification Procedures

BNSP establishes the procedures that must be followed in carrying out the certification process, from the preparation and registration of participants, the implementation of competency tests, to the announcement of certification results. Here is an overview based on *BNSP* Regulation Number 3/*BNSP*/III/2014:



Picture 2. Certification Procedure in *LSP Polri*

4) Competency Assessment

BNSP regulates the types of competency assessments that certification participants must undergo to prove they meet the established competency standards. These assessments can include written tests, practical exams, or interviews.

5) Certificate Issuance

BNSP is responsible for issuing certificates to certification participants who successfully meet the established competency standards. This certificate serves as proof that the INP members have been tested and recognized as competent in their respective fields.

6) Quality Assurance

BNSP ensures the existence of a quality assurance system in the certification process to maintain the quality and integrity of the certification process.

Based on the above description, the *BNSP* Guidelines apply to all certification bodies, including the *LSP Polri*, which is responsible for certifying the professions of INP members. With these guidelines, it is expected that the certification process for INP members can be conducted objectively, transparently, and professionally, especially in implementing conflict mediator certification for *Bhabinkamtibmas* in handling horizontal conflicts.

The certification of conflict mediators for *Bhabinkamtibmas* relates to the effectiveness and efficiency of law enforcement. According to Soerjono Soekanto, the effectiveness and efficiency of law enforcement depend on: a) the extent to which officers are bound by existing regulations; b) the extent to which officers are allowed to exercise discretion; c) the type of example officers should set for the community; and d) the degree of synchronization of the tasks assigned to officers, thereby clearly delineating their authority. Furthermore, Soerjono Soekanto states that one factor to measure the effectiveness of law is the supporting facilities and infrastructure for law enforcement. Based on this, having a conflict mediator certification for *Bhabinkamtibmas*, from the Researcher's perspective, will optimize the effectiveness and efficiency of law enforcement in the implementation of penal mediation. This way, *Bhabinkamtibmas* will be equipped with a background and knowledge in mediation.

Regarding the above, to improve the quality of penal mediation based on the concept of restorative justice in handling horizontal conflicts for *Bhabinkamtibmas*, it is necessary to develop competency standards that apply to all INP educational units. These competency standards will serve as guidelines or references in the training and certification conducted by *LSP Polri* for issuing competency certifications. In this context, the mediator certification aims to create *Bhabinkamtibmas* mediators who possess the knowledge, competence, and skills to handle conflicts. The actions taken by *Bhabinkamtibmas* when acting as mediators must be well-considered, as they need to prioritize the emotions of each party. In this regard, *Bhabinkamtibmas* is expected to understand each party's situation to create a peaceful dispute resolution process. This not only resolves the issue but also maintains good relations between the parties. Therefore, education and training for *Bhabinkamtibmas* are necessary to ensure the mediation process runs smoothly and has a high success rate, realized through the *LSP Polri*.

Certification Process for Conflict Mediator Certification for *Bhabinkamtibmas* at *LSP Polri*



Picture 3. The Process of Conflict Mediator Certification for *Bhabinkamtibmas* in *LSP Polri*

1) Registration for Conflict Mediator Certification Education and Training Program

The Conflict Mediator Certification for handling horizontal conflicts is specifically aimed at *Bhabinkamtibmas*. This includes general and specific requirements for *Bhabinkamtibmas* as determined by the *Lemdiklat Polri* through the *LSP Polri*. General requirements including basic law enforcement training, community engagement skills, and conflict management knowledge. Specific requirements could include specific training in conflict resolution (through penal mediation), knowledge of local order and practices, capacity for documenting and reporting, and professional development to keep up-to-date with the latest in law enforcement, conflict resolution techniques, and community policing strategies.

2) Guidelines and Training Materials for Conflict Mediator Certification

a) Guidelines and Training Materials for Supreme Court Conflict Mediator Certification

The implementation of conflict mediator certification for *Bhabinkamtibmas* at *LSP Polri*, in alignment with the Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court (*Perma 1/2016*), directly impacts the certification process by ensuring that *Bhabinkamtibmas* are adequately trained and certified to handle mediation in conflict resolution. According to Article 13, paragraph (1) of *Perma*

1/2016, all mediators, whether judges or non-judges, must hold a certificate demonstrating successful completion of mediator certification training. This regulation establishes a standardized curriculum, training duration, and methods through recognized certification bodies, ensuring that *Bhabinkamtibmas* acquire the necessary knowledge, skills, and behaviors to effectively mediate conflicts. Adhering to this regulation is significant because it guarantees that *Bhabinkamtibmas* are formally recognized as qualified mediators, promoting professionalism, accountability, and efficiency in resolving community disputes, and strengthening their role in upholding public order.

In fulfilling the role of a conflict mediator, *Bhabinkamtibmas* must meet the competencies that form the basis of the certification curriculum for court mediators. Based on the Decree of the Chief Justice of the Supreme Court Number 108/KMA/SK/VI/2016 on Mediation Management in Court/*Tata Kelola Mediasi di Pengadilan*, there are 4 competency groups that must be possessed by mediators. These competency groups contain behavioral indicators that form the basis of the certification curriculum for mediators. The four competency groups involve the following aspects:

i) Interpersonal Competency

Interpersonal competency reflects an individual's ability to interact and communicate with others (Cegarra et al., 2024). This includes skills to understand and respond to the feelings and thoughts of others, build positive relationships, and operate effectively in various situations (*ibid.*). With strong interpersonal competency, a mediator can facilitate constructive dialogue and create a supportive environment for parties to reach dispute resolution (Wahyuningtyasti et al., 2023). The importance of trust-based relationships is fundamental to the effectiveness of a mediator, especially as a conflict mediator. Interpersonal competency includes (Jaedun, et al. 2024):

- 1) Communication skills and techniques;
- 2) Ability to understand others;
- 3) Social perception; and
- 4) Self-management.

ii) Penal Mediation Process Competency

Competency in penal mediation equips *Bhabinkamtibmas* with techniques to support parties in resolving disputes effectively. With this skill set, they can guide parties toward mutually satisfying resolutions by identifying issues, addressing needs, and facilitating negotiations (Manurung, 2023). This competency enables *Bhabinkamtibmas* to play a key role in achieving beneficial

agreements and resolving conflicts efficiently. The aspects of skills in this mediation process include:

- 1) Basics of the mediation process;
- 2) Handling the mediation process;
- 3) Speaking and interviewing techniques;
- 4) Position testing;
- 5) Hidden agendas;
- 6) Conflict resolution skills;
- 7) Negotiation skills;
- 8) Reframing skills; and
- 9) Mediation methods and techniques.

iii) Penal Mediation Management Competency

It includes the ability to make notes, document management, and communicate mediation results clearly to the parties. Therefore, this competency can be formulated to include planning the mediation process, maintaining the mediation, facilitating the parties, and effectively and efficiently ending the penal mediation (Guillamon, 2023).

iv) Ethical Competency and Mediator Self-Development

This competency reflects the appropriateness and consistency of *Bhabinkamtibmas'* behavior as a conflict mediator with the mediator's code of ethics and practice norms. These two aspects play a central role in conducting mediation with integrity and professionalism (Laasch and Moosmayer, 2023). *Bhabinkamtibmas* is expected to understand ethical principles, legal consequences of ethical violations, and professional development.

v) Conflict Mediator Certification and Its Implications

The conflict mediator certificate is the result of conflict mediator certification, serving as proof of passing the training and education required (Bronski et al., 2023) for *Bhabinkamtibmas* to effectively and efficiently conduct penal mediation. An important stage in the development of a mediator includes understanding the principles of mediator ethics (Alabdullah and Al-Qallaf, 2023), such as self-determination, impartiality, avoiding conflicts of interest, and utility, forming the main foundation of a mediator's behavior. The key to this competency model is the ability to choose the right actions, make well-considered decisions, rely on oneself in decision-making, maintain decisions after thorough consideration, avoid actions that can harm involved parties, respect the autonomy and interests of others, and maintain

confidentiality (Borulkar, 2021). Referring to this, conflict mediator certification is not merely a formality but has important implications. *Bhabinkamtibmas* needs to recognize the urgency of competency standardization in certification, viewing conflict mediator certification as a step to assess and ensure the consistency of competency standards and acknowledge the value of performance evaluation as a conflict mediator through the certification process.

b) Guidelines and Training Materials for Conflict Mediator Certification at the European Commission for the Efficiency of Justice (CEPEJ)

i) Knowledge Development

The mediator training curriculum should at least include the main domains of conflict mediator knowledge development, such as:

- 1) Conflict theory;
- 2) Traditional dispute resolution and mediation;
- 3) Mediation basics;
- 4) Fundamental principles of mediation, including: voluntariness; confidentiality; independence;
- 5) Impartiality and neutrality of the mediator; self-determination and control of the parties over the process; equality of each party; creativity; and flexibility;
- 6) Mediation goals;
- 7) Indications and contraindications of mediation in assessing case suitability;
- 8) Main attributes of a mediator, including: attitude and role of the mediator; credibility; and skills; and
- 9) Mediation stages.

ii) Practical Skills

In terms of developing skills, there should be topics on skills and demonstrations in the conflict mediator training program, including:

- 1) Listening and communication skills;
- 2) Skills in mediation process management techniques;
- 3) Negotiation strategy skills for conflict resolution;
- 4) Skills in dealing with each party; and
- 5) Problem-solving and decision-making skills.

iii) Assessment and Evaluation of Conflict Mediator Certification Education and Training

Assessment and evaluation are conducted to determine the abilities covering aspects of knowledge, skills, and work attitudes through written, oral, or practical simulations according to procedures set by *Baharkam* and *Lemdiklat Polri*. This is done to review the stages of the conflict mediator certification process for *Bhabinkamtibmas* members who have been declared to have passed the conflict mediator certification by *LSP Polri*.

The process of conflict mediator certification for *Bhabinkamtibmas* through *LSP Polri* is designed to provide essential skills in mediation and conflict resolution, enhancing their effectiveness in managing community conflicts. Certification not only formalizes their role but also equips them with structured techniques, allowing them to approach disputes with greater authority and competence (Gallego and Ramirez, 2023). The following table highlights the differences in responsibilities and expectations for *Bhabinkamtibmas* with and without conflict mediator certification, illustrating how this training impacts their roles and enhances their capacity to foster peaceful resolutions in the community.

Aspects	Uncertified <i>Bhabinkamtibmas</i>	Certified <i>Bhabinkamtibmas</i>
Role in Penal Mediation system based on restorative justice	Only handles in maintaining the security of public safety through community policing strategy. <i>Bhabinkamtibmas</i> serves as the bridge between the police and the community, promoting active community involvement in maintaining security and order.	Responsible for conducting formal mediation in minor cases, following structured processes aligned with certification. Hence, <i>Bhabinkamtibmas</i> expected to lead mediation processes effectively, using formalized penal mediation methods for resolving disputes and fostering cooperation.
Conflict Resolution Skills	Limited formal training in mediation and conflict management, only on <i>Kamtibmas</i> fields. Limited to informal mediation efforts; primarily assists in maintaining peace without specialized techniques.	Certified training in mediation, restorative justice principles, and structured conflict resolution techniques. Expected to manage conflict more formally, applying certified techniques to address horizontal and minor community conflicts.
Community trust	May be viewed more as a traditional policing role, with limited emphasis on community partnership.	Certified mediator status fosters stronger community relations, showing commitment to peaceful, community-driven resolutions.

Penal mediation effectiveness	Lacks formal preparation for handling penal mediation in alignment with INP goals make the mediation ineffective. Parties need more time to meet the solution.	Equipped with knowledge and practical skills to handle penal mediation in horizontal conflicts. Hence, mediation time is shorter because <i>Bhabinkamtibmas</i> is equipped with mediator competencies, allowing the parties to reach a solution more quickly.
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CONCLUSION

Horizontal conflict is a common dispute that occurs in society, could be big or minor conflicts (Hillesund and Ostby, 2023). However, if all minor conflicts are resolved through legal processes, it causes court overload, undermining the goal of a fast, simple, and low-cost judiciary (Zulaeha, 2023). *Bhabinkamtibmas*, as part of community policing, is tasked not only with performing Polmas duties but also assisting with criminal investigations (Arsyam, 2023) (reskrim), particularly resolving minor disputes and conducting mediation. However, *Bhabinkamtibmas* lacks the necessary competencies and skills to effectively mediate, especially in horizontal conflicts. (Haris et al., 2024) Penal mediation, a key aspect of restorative justice, offers an alternative dispute resolution method outside the courtroom (Tio, 2023) helping to restore losses and address the root causes of issues. While it has shown success in resolving cases, its application by *Bhabinkamtibmas* is not supported by clear legal provisions, creating a legal gap. Thus, the implementation of penal mediation by *Bhabinkamtibmas*, particularly for horizontal conflicts, relies heavily on discretion and judgment, as there is no explicit legal framework to guide its practice.

The proposal for conflict mediator certification is essential to support the optimization of penal mediation implementation for *Bhabinkamtibmas* in handling horizontal conflicts (Rahanra and Kasihuw, 2024). The researcher believes that *Bhabinkamtibmas* members handling horizontal conflicts are still not equipped with the knowledge, competence, and skills needed to act as mediators. Considering this, the proposal for conflict mediator certification for *Bhabinkamtibmas* in handling horizontal conflicts can be realized through the *Lemdiklat Polri* via the *LSP Polri* to accommodate the establishment of competency standards (Sri, 2021) for conflict mediators.

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