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Sekolah Tinggi Ilmu Kepolisian - PTIK
Jl. Tirtayasa Raya No. 6, Kebayoran Baru, Jakarta Selatan – 12160
Telp: 021-7222234, Faks: 021-7207142, 08129400276 (WA only)
e-mail: jurnalilmukepolisian@stik-ptik.ac.id



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

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Muhammad Akbar Magistra Putra^{1*}

¹Faculty of Law, The University of Malaya, Kuala Lumpur, Malaysia
Corresponding Email: *23090109@siswa.um.edu.my

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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 wewenang*nya," 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.

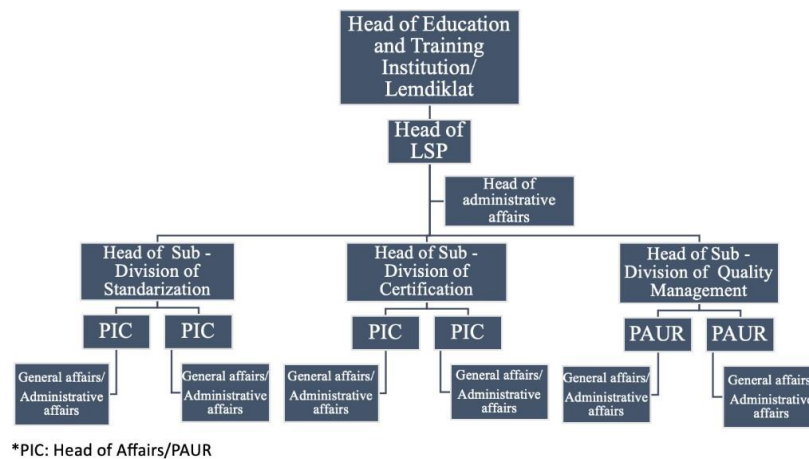
Considering the *Dikbangspes* for Humane Social Conflict Management as explained above, there are provisions mentioning the scope of conflict management that can be carried out by *Bhabinkamtibmas*, namely in the resolution and recovery of cases. On the other hand, these provisions do not specifically 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.

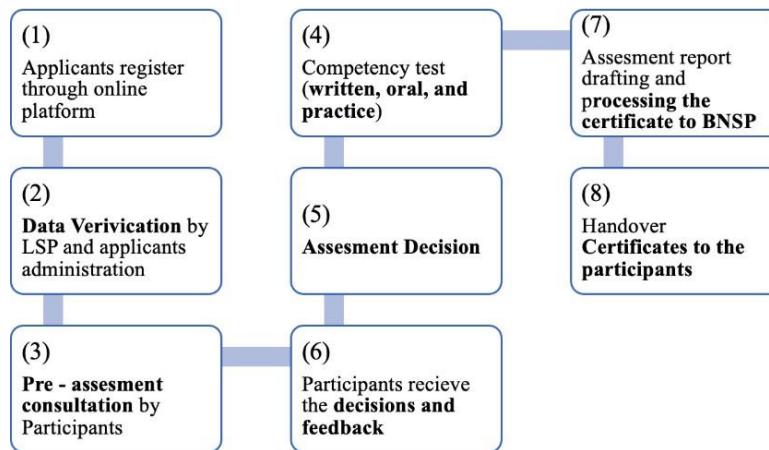
From the above enumeration of Special Work Competency Standards, it is evident that there is still no standard regarding the competency for Bhabinkamtibmas in the application of penal mediation based on the concept of restorative justice in handling horizontal conflicts.

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 Bhabinkamtibmas	Certified Bhabinkamtibmas
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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Physical Abuse Cases at Boarding Schools: Phenomena and Its Prevention Model

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Farhan Arif Sumawiharja^{1*}, Ayu Dwi Rahmawati², Doti Sekar Medina³

¹Department of Criminology, The Faculty of Social and Political Sciences, University of Indonesia

^{2,3}Transport Planning, University of Leeds, Leeds, United Kingdom

E-mail Corresponding Author: *farhanarifsumawiharja@outlook.com

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Abstract

This research elaborates factors that contribute to physical abuse cases at Boarding Schools, which explained with routine activity theory and power relation theory. Besides, this research also evaluates the Minister of Education and Culture Regulation Number 82 Year 2015 On Prevention and Countermeasures of Violence in Education Unit Environment, and Law No. 18 Year 2019 on Boarding schools. Physical abuse cases that occur at Boarding schools are caused by excessive discipline implementation. Therefore, this encourages and motivates senior boarders or boarding caretaker to commit violence. This research uses qualitative method, with a live interview held at a boarding school which experiencing physical abuse cases causing loss of life. Delphi method is also used to deepen the prevention model and generate education expert insights focusing on the educational development of boarding school. This research is unveiling the extraordinary causes of violence and resulting on validated prevention model by education experts in boarding schools.

Keywords: Routine Activity Theory, Physical Abuse, Boarding school, Prevention Model

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INTRODUCTION

Boarding school cultures and traditions have embedded in Indonesian lives. Boarding school is one Educational Institution authorised by the government. Boarding school is specialised on Islamic Education. Therefore, having a comprehensive understanding on boarding school become an important thing to make this research beneficial for education sector and criminology development.

Boarding school is currently essential in forming a good Islam generation for the nation. For example, in reformation era, many Islamic boarding school figures become central influencers on motivating Indonesian people to proclaim Indonesia's independence. Initially, the boarding school had an open education system, the teaching process was carried out by Islam intellectuals to their students who called boarders. In the early development phase, Islamic boarding school did not use any tiered levels of education and qualifications as other general education. Moreover, Islamic boarding school do not use certificate to indicate the quality of their students' graduation. Islamic boarding school's success is determined by the broader's level compliance. This shifting occurred in the early development of boarding schools as illustrated by Syaikhona Khalil Bangkalan on one of his students named Bahar (Jamaluddin, 2012).

Boarding school system is also written in Law Number 18 Year 2019 which explains that Islamic boarding school education is administered with Islamic curriculum based on yellow scripture or islamic studies using *muallimin* education patterns. Besides, boarding school education aims to (a) form high expertised individuals who implement their religious values and become faithful, devoted, independence

moslem scholars; (b). build strong understanding of Islam living on unity in diversity to generate religious and tolerance generation; and (c). improve people’s quality of life to fill the national education needs and social well-being. Data from the Directorate General of Diniyah Education and Boarding School shows that Indonesia has 31.385 Islamic educational institutions with 4,29 million boarders.

Islamic boarding schools are divided into two types, *salafi* boarding schools and *kholafi* boarding schools and modern boarding schools. *Salafi* boarding school originated from Arabic “*As-salafy*” means first generation successor of moslem. The term of *salafi* is transformed and affiliated with Indonesian cultures, thereby, *salafi* education points to traditional boarding school. *Salafi* boarding school system is more opened as the early Islamic boarding school history. *Salafi* boarding school curriculum studies on traditional scriptures which called *kutubut-turots or yellow scripture*. Education system at salafi boarding school adopts informal examination, marking system is based on the evaluation of the head of boarding school also known as “*Kyai*”. Also, the discipline principle is not excessively emphasised. Studying awareness becomes the priority, thus, salafi boarding school is more concentrating on the teaching value rather than the parenting values.

Meanwhile, the *Kholafi* boarding school modifies the Salafi system by still referring the yellow scriptures and scientific works of the 19th century moslem scholars. The *kholafi* system mixes the *salafi* elements which studying the yellow scriptures with the general education system. As adapted by (Arifin, 2012), *Khalafi* keeps up with modernicity while maintaining Islamic values and cultures. They learn yellow scripture at the prayer times and discuss about science and technology in science and technology in the rest of the day. Therefore, these make balance between their mundane doctrines and religious paradigms.

In this era, modern Islamic boarding school is well-known for its practical spiritual mental formation and slowly abandoning the classic scriptures. Furthermore, Arabic is taught to improve practical interests of the boarders whilst English is used as their daily conversations. In parenting aspect, modern Islamic boarding school promotes discipline enforcement with class-level qualifications.

Islamic boarding school is not merely an educational Institution, it becomes a circumstance forming a social structure with special life characteristics, this is signed with the existence of its social levels. The top level, boarding school leader called as *kyai, ustad, ajengan, gurunda, or Syaikh*. The middle level consists of the teaching staff which called *ustad* or male teacher and *ustazah* or female teacher. At the bottom level, consists of boarders in boarding school. These social structures create distinctive problems which causes difficulty and complexity to acces any information about what actually happenes inside the boarding school.

Violence is one example for the distinc problem in Islamic boarding school. Commissioner of Child Protection Commission Retno Listyarti in republika.co.id interview (Tejomukti, 2020) stated that violence cases at Islamic boarding schools were high during 2017-2019, with a very low adjudication rate, excluding the unreported cases. Moreover, searching a valid information associated with violance in Islamic boarding school is complicated. This can be assumed that boarding school management attempts to hide the violance.

The table below shows children violence rates derived from Child Protection Commission complaints. The data is as follows:

Children in Conflict with the Law as Victims		2019	2020
1	Physical abuse of children (Persecution, Mobbing, Fights, etc.)	157	249
2	Emotional abuse of children (Threats, Intimidation, etc.)	32	119
3	Sexual abuse of children (Rape, Molestation)	190	419
4	Children as Victims of Sodomy/Pedophilia	0	20

5	Children as Murder Victims	42	12
6	Children as Victims of Theft Crimes	50	6
7	Children as Traffic Accident Victims	72	21
8	Children as Victims of Bladed Weapon Possession	21	12
9	Children as Victims of Abduction	17	20
10	Children as Victims of Abortion	43	11
11	Children as Suicide Victims	11	4
TOTAL		635	893

Data source: Official site Child Protection Commission of Indonesia

The data above categories three types of children towards the law: children as victims, children as suspects, and children as witnesses. It suggests that there are 249 reports on children experiencing physical abuse, 119 reports on children as psychological victims, and 419 reports about sexual abuse victims in 2020, and still increasing.

Violence at Islamic boarding school mainly caused by limited external supervisions, and most adjudications are through "restorative justice" way, thereby violence at boarding school is rarely recorded and monitored, except that the victims suffered severe injuries, or dies. This makes violence in Islamic boarding school becomes a mystery and need to disclose while looking for applicable solutions to improve the forthcoming Islamic boarding school quality.

Based on those prior introductions, stakeholders agree that committing violences in various aspects are prohibited., especially violence on behalf of discipline enforcement. However, several Islamic boarding schools frankly considered violence as a common thing. In criminology, victims are dominated by boarders, but some boarders do not consider themselves as a victim and do not feel as aggrieved parties for such acts of violence. This research became an important matter when the victims did not feel as a victim at present, however, psychologically shaken and became a suspect at time to come. Big problem is violence at boarding schools become a mystery, and it is hard to be disclosed down to many victims. Consequently, prevention measures become difficult to be carried out. Based on the background, this study aims to explore the phenomenon of physical abuse in boarding schools, analyze its causes, and develop an effective prevention model grounded in relevant theories and legal frameworks.

METHOD

This research uses qualitative method to yield a deep investigation. Since violence at Islamic boarding school has become a part of hidden culture and esoteric traditions, to outline such unexposed facts, ethnographic research was conducted to uncover factors causing violence.

In addition, the writer arranges the research instruments and proposes several related questions about how the respondents' behaviors, how the respondents' efforts to avoid manipulations, data reduction, triangulation, conclusion and verification. The writer elucidates thoroughly on the offenders' behaviors, phenomenon occurred during this conducted research, and condition or characteristic of environment in which research took place.

RESULTS AND DISCUSSION

Theory and Concept

Routine Activity Theory

Routine activity theory is initially proposed by Lawrence Cohen and Marcus Felson. This theory

analyses the related phenomenon on crime cases (Cohen & Felson, 1979). Routine activity theory includes 3 (three) premises, which as follows:

1. A motivated offender refers to an individual or group who able to do and intends to plan a strategy to commit the crimes.
2. A group of suitable targets refers to whom may be the victim or crime target due to certain risks. The potential victims' routine activities will indicate their weakness. Each repeated activity will create its own specific patterns and reveals other weaknesses. Locations, certain routines, characteristics or attributes, lifestyles, environmental conditions, and social interactions may distinguish such vulnerabilities.
3. The absence of the eligible guardian for people or objects as protective patron to defend such objects and people against criminal action. In this case, protection may be referred to the neighbors, parents, and other criminal prevention instruments, such as the use of certain technologies (Setyawan & Larasati, 2021).

Routine activity theory often relates to the human ecology theory proposed by Hawley, which is not limited to a territory, even more, community considered as a symbiotic and commensalistic since human activities passing through both space and time. Hawley (1950) identifies three temporal components which defined as a community.

1. *Rhythm*, refers to regular periodicity of the observed phenomenon, such as commuting rhythm;
2. *Tempo*, refers to phenomenon frequency per unit of time, such as the number of criminal violences per day on a given street; and
3. *Timing*, refers to the coordination among different connected activities, such as the coordination between the offender and the victim rhythms (Cohen & Felson: 1979)

Community proves that spatio-temporal affects the patterns of the specific time and place. Spatio-temporal crime variation show a routine activity forming predictable and preventable crime. Routine activity theory also related to crime prevention theory. It supports that crimes can be analysed by several probable factors and indicators. Thus makes these factors can be used to overcome the crimes.

For instance, street-crime is mapped based on time and location scene. Street-crime usually occurs at night and located in a quiet place. These two supported factors may be used for setting up the police patrol schedule to concern on. Moreover, this street-crime phenomenon is seasonal, such as students brawling is frequently occurred during *Ramadhan*. Prevention might be created by mapping activity patterns shown by offenders, targets, and their environment.

Thereby this theory is directly implemented to analyse each individual, group and habit in Islamic boarding school. Furthermore, this theory is also analyse interaction between staffs and broaders.

Power Relations Theory

Power issue is not merely concerning on possession. Power spreads explicitly and exists in every social relationship. This is not because power has ability to strengthen everything, instead, power is generated from every moment and each relation. Power is omnipresent because it comes from every single life aspect. In *Sexual History Vol. 1*, Foucault (1990) illustrates that power might be defined as follows:

- a. Power is not gained, used and distributed as a thing that can be seized or lost. However, power is used in various levels in very dynamic relationships.
- b. Power relationship is not hierarchical structured relationships between ruler and some thing ruled.
- c. Power encompasses the upper and lower power.
- d. Power relation is intentional and objective which has its opposition group. Then, resistancy can't be separated from every power relationship (Foucault:1990).

Based on Foucault, power has a direct correlation with knowledge. However, in practical order knowledge is frequently used to perpetuate power. In general terms, power relation is divided into two sections.

1. Power to legitimate. In this concept, the power is embedded in individual and hierarchically structured to control objects which legitimated by law. This includes controlling individuals to achieve a common goal. A prominent point of legitimation is group consensus which emerging group compliances towards the law.
2. Developing disciplinary power. This concept emphasises self-actualization in disciplining a thing, thereby the power is used to increase individual awareness either physically or mentally to obey the rules.

This theory elaborates the emerging power relationship in social environment of Islamic boarding school which hierarchies are built visibly by a long-ingrained system. Besides, the purpose of deploying strict religious values within boarding school interaction is observed. Hence, emerging power relations are required to be dug using power relations theory.

Social Control Theory

Social control theory is a sociological theory which often applied on children and adolescent crimes. Social control theory was first proposed by Hirschi in 1969. As adapted from Anarta, Fauzi, Rahmadhani, & Santoso (2021), Social control theory is an increasing crime response. Distortion creates problems caused by the lack of supervision in social structure, thereby the values and norms agreed upon social group experienced deviance. Social control is closely related to a social bond.

Cohen & Felson, (1979) explain that Hirschi mentions several social control theory characteristics as follows:

1. Ignorance and recultancy towards the rules and social norms and failures on obeying the law
2. Deviant behaviors as evidence of social group failures on making people comply with the existing values, norms and rules.
3. Each individual must implement positive deeds based on social opinion
4. Internal control such as family, home and school environment become important compared to external environment.

Hirschi (1969) describes a social bond as a mutually agreed system to bind a group consists by norms and values. This social bond combined with noble values. Thereby, inability to deal with this social bond will be implied as a social deviance. Social bond composed the four components below:

1. *Attachment*, this element explained as children attachment with their family. The initial hypothesis shows that there are three attachment indicators between children and their parent which bind into a social bond. This social bond creates *virtual supervision*, direct and indirect controls, especially the child feels supervised by their parents in everyday activities. Second, communication between children and their parents, two-way communication that gives opportunity to children and parents for sharing information. Third, validation of a parent affection, children feel win the affection of parents directly either physically or verbally.
2. *Commitment*, Commitment refers to a factor of reasonable conformity recognized and considered by each individual in making decision. In other words, commitment is a cognitive component of social attachment (Anarta, Fauzi, Rahmadhani, & Santoso, 2021). Commitment closely relates with attachment. Commitment binds between children and parents n a social bond. Commitment is important when children and parents agreed specified values and norms, and there will be consequences for disobedience. Values of commitment can be a filter for children before committing deviant crimes.

3. *Involvement* refers to described by Hirschi is involvement of youth or child in positive activities in their social life, the greater involvement of children in positive activities, the smaller possibility of children to committing deviations. Instead, when the children accustomed with negative influences, the greater possibility of the children joining a deviant group.
4. *Belief* refers to the condition of a person willingly believes in personal things and be willing to follow the rules in specific values and norms. In this matter, Hirschi emphasized belief in relevant values and norms of religion and cultures, and rejected to recognise negative religion values are align with the accepted values of norms. (Hirschi, 2017, p. 18)

Hirschi also defines that previous study has identified an inverse correlation between *attachment* and *commitment*. The closer a person feels attached to those closest to them, the harder for them to break out of their belief system and involved in various mischievous behaviors. Commitment and participation refer to the fact that when a person feels committed to a certain group, such commitment motivates participation in social activities.

As the result, attachment and belief correlate with attachment or greater respect owned by children for parents and other figures. The more conventional children's behavior, the greater possibility of them following the rules set out by authority figures. Instead, the lower the respect of children towards the authority, the greater the possibility of them breaking the rules. (Anarta, Fauzi, Rahmadhani, & Santoso, 2021).

Development of Boarding School Education in Indonesia

Boarding school has a long history. Islam development is inseparable from Boarding School influence where people study about Islam. Through this education, internalization process is passed down from each generation and affect the diversity (Susilo & Wulansari, 2020, p. 85). Furthermore, boarding schools become a unified forum among Islamic communities. Boarding schools in Indonesia are not merely Educational Institutions but Unifying institutions of Moslems.

Islamic boarding school has already existed prior to Indonesian independence. Concept of teaching is offered in the form of *halaqoh* or face-to-face method among boarders and teachers or Islamic intellectuals. *Halaqoh* method is considered effective in building relationships between teachers and boarders. Currently Islamic boarding schools have transformed into several types.

Globally, boarding school is divided into two categories, including modern boarding schools and conventional boarding schools. However, in term of subject, boarding school is divided into three categories. First, boarding schools teaching yellow scriptures (precedent scriptures discussing *fiqh*, *nahwu*, *aqeedah*, *Tarikh*, and other islamic materials). Second, the boarding schools concerning on *Thafeez Qur'an*, these boarding schools refers to educational institution deeply elaborate and memorising the Qur'an. Third, boarding schools combining islamic and general subject.

As adapted by (Said, 2011 , p. 184), in the perspective of Madjid, Islamic boarding school is combination between islamic values and Indonesian cultures. In his opinion, there are institutions similar with boarding school over Dutch East Indies era, thereby, Islam only continue or in Cak Nur words, only islamizes the existing educational institutions. Although, it does not mean minimizing the role of Islam in pioneering education in Indonesia (Madjid, 1997 , p. 3)

Correlation of Child Abuses in Boarding School Education

Concept of violence against children is divided into two focuses: violence and children. Violence according to *World Health Organization* (WHO) is the use of physical strengths or power intentionally, that threatens or toward oneself, others, or group or community, resulting or potential causing injury, death, psychological disorders, developmental disorders or losses.

Repeated violence involving physical abuse on victims known as bullying. In Indonesia, the Children Protection Commission of Indonesia (KPAI) stated that reported bullying case is about 87,6 %

where the number of male victims is more than female. Violence is defined by World Health Organization (WHO) as the intention use of physical power, that threatens individual, others group or community, resulting potential injury, death, psychological disorder, and growth disorders.

Meanwhile, a child refers to a person under 18 (eighteen) years old, including children in the womb, while children are included as vulnerable social group member. Children are lack of experiences, hence children need supervisions. However, some adults who expected to be the “supervisors and protectors” sometimes commit violence against children instead of protecting them affecting them physically and psychologically even claiming lives.

Concept of Violence Prevention in Criminological Perspective

Dermawan (2001) stated that there are several important points of crime prevention efforts as follows:

- Observing factors disabling the development of situational approaches on crime prevention research and policies in the past and contribute to its effects in recent years.
- Comparing relative powers from each approach with approach more traditional on crime prevention.
- Identify aspects where situational crime prevention has generated new perspectives on crime problems and potential response thereunto.
- Discussing the evidence validity underpinning situational crime prevention strategy.
- Giving recommendation to the further research that enable crime prevention method by improving evaluation methods and expanding the limits of study beyond applied crime prevention problems.

Meanwhile, (Jamaluddin & Prayuti, 2022 , p. 167) Multiple prevention models can be included in the rules or policies to prevent sexual crimes at boarding school education among others; First, strengthen the role of state, central and local governments, and communities to prevent sexual crimes especially at boarding school, this means all parties are responsible to take preventive measures against sexual crime within a boarding school environment, through monitoring and evaluation on boarding schools in Indonesia. (Purba, A. Wahyurudhanto, & Erwin, 2021). Granting of operational permit by government through the ministry of religious affairs to boarding schools must be in a stringent manner and performs supervision by giving requirements in favor of policy on sexual crimefighting against women. Second, drafting regulations on boarding school obligations to provide Sexual Crime Complaint Services at each boarding school institution. This is an endeavor to accommodate complaints of male boarders or female boarders who suffer bad treatment in the form of sexual crimes. In complaint services must provide facilities such as psychologists and other health personnel integrating with government both central and local governments. Third, enforce regulation on national curriculum in which applying for a sexual education course, this is intended to students able to comprehend on sexuality. (Harahap, 2017)

From two models above emphasized by (Dermawan, 2001) and (Jamaluddin & Prayuti, 2022) there are advantages and disadvantages of each other. Model described by (Dermawan, 2001) has advantages in mitigating motivating factors of crimes. In another sense, crime prevention must be applied prior to crime occurring. Meanwhile, prevention methods described by (Jamaluddin & Prayuti, 2022) prefer to emphasize the sanction having deterrent effects thereby a person who has not committed a crime reconsiders it. Concept of crime prevention is intended to analyze updated models in preventing the occurrence of violence at Boarding Schools.

Physical Abuse Phenomenon in Educational Institutions

Violent cases at educational institutions remain a serious problem not resolved, this case is deemed a taboo to be discussed in public sphere. Ministry of Women Empowerment and Child

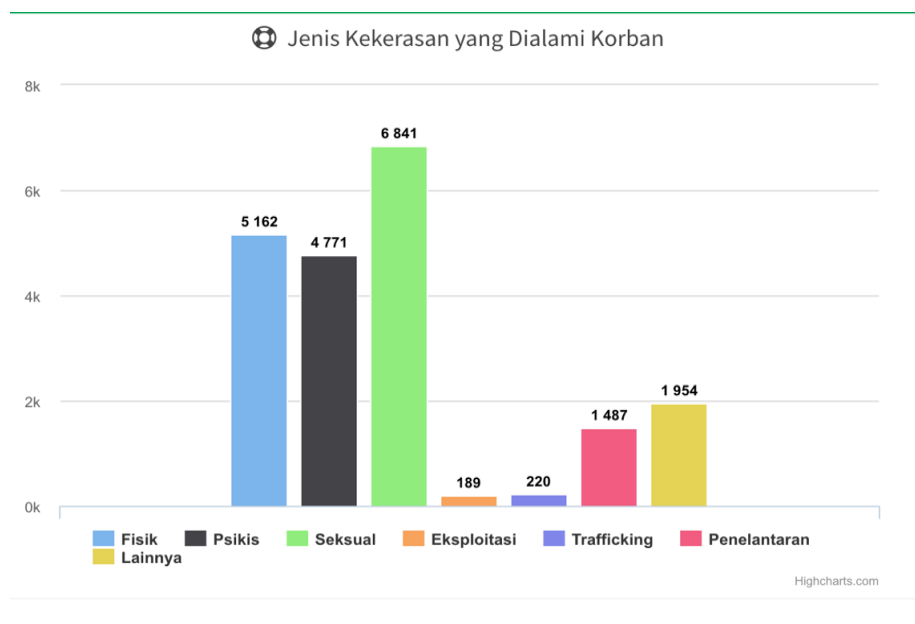
Protection releases data related to violence come to pass to educational institutions. Data is *real-time* and will be entered on January 2023.



Data source: SIMFONI-PPA, Ministry of Women Empowerment and Child Protection

Figure 4.1. Violence Diagram per Age and Education Stage

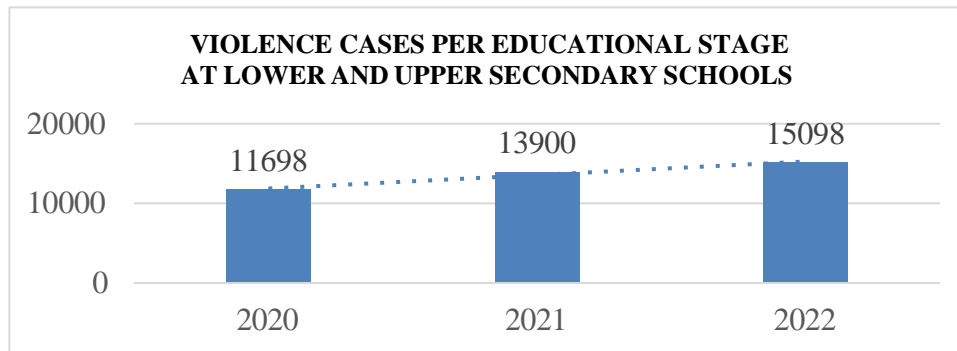
Available data above suggest that victims of violent cases from January 2023 to August 2023 about 16.775 persons. And based on age, vulnerable 13-17 years of age ranked first totalling 5.857 victims. This is related to education stage, at Secondary education level totalling 4.034 cases at Junior High Schools and 4.775 cases at Senior High Schools. In addition, data from SIMFONI-PPA suggest that types of violence during January 2023 to August 2023.



Data source: SIMFONI-PPA, Ministry of Women Empowerment and Child Protection

Figure 4.2. Diagram on Types of Violence per January - August 2023

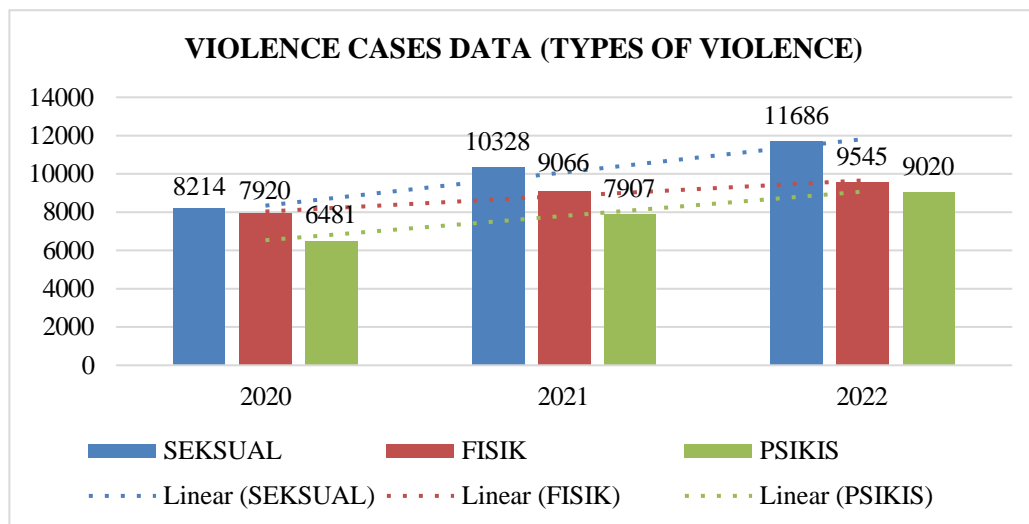
There were seven types of violence from January to August 2023, the highest cases were sexual abuse cases about 6.841 cases, and the lowest cases were exploitation cases about 189 cases. Physical abuse cases take second position next to sexual abuse cases. In rates, physical abuse cases are significant violent cases. To deepen analysis, the following are data comparisons on violent cases, types of violence, and victims of violence age ratios from 2020 to 2023.



Data source: SIMFONI-PPA, Ministry of Women Empowerment and Child Protection (2022)

Figure 4.3. Violence Cases Diagram per Educational Stage (2020-2022)

Available data above suggests on the increasing violence rate for 19% from 2020 to 2021 and 9% on 2021 to 2022. This case occurred in lower and upper secondary schools. This data including violence cases in Boarding schools.



Data Source: SIMFONI-PPA, Ministry of Women's Empowerment and Child Protection

Figure 4.4. Diagram of Violence Cases by Type (2020-2022)

The data presented above indicates the types of violent cases in Indonesia between 2020 and 2022. Sexual abuse consistently ranks as the most prevalent form of violence, with cases increasing annually. This upward trend suggests that existing control and prevention measures have not been effectively implemented. Although it is evident that various forms of violence can occur simultaneously, the present study focuses specifically on cases of physical abuse within Boarding School Educational Institutions.

Data and Facts of Child Abuses at Boarding Schools

The Adolescent Life Experience National Survey, released by the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia in 2021, revealed that 14 out of every 100 male children experienced physical abuse, while 11 out of every 100 female children faced similar abuse. This data was collected from a sample of children aged 13 to 17 years. Specifically, 13.08% of violent incidents involved physical contact, such as hitting and kicking. The perpetrators of physical abuse were predominantly peers or older individuals within the same peer group as the victims. Consequently, environments outside the home, particularly institutional settings, become vulnerable

spaces for violence against children and adolescents. Given that the majority of boarding school students are aged 13 to 17, this data helps to illustrate the scale of violence that may occur within these institutions.

In 2022, several cases of violence in boarding schools gained significant public attention, particularly due to the severity of the incidents, which resulted in fatalities. One notable case occurred at Darussalam Gontor Boarding School, where a 17-year-old student, identified by the initials AM, died as a result of physical abuse inflicted by two senior students. Initially, the boarding school management attempted to conceal the incident, claiming it had been resolved amicably. However, the victim's parents later involved a prominent lawyer, Hotman Paris, bringing the case to public attention. This led to legal action by the Ponorogo District Police, and the two perpetrators were expelled and returned to their parents.

Another significant case took place at Darul Qur'an Lantaburo Boarding School in Tangerang, where 12 students were involved in mobbing that resulted in the death of a fellow student. The case was investigated by the Tangerang City Police, with five of the perpetrators detained and the others returned to their parents. Lastly, a violent altercation occurred at Daar El Qolam Boarding School on August 7, 2022, where a student died after being rushed to the hospital due to injuries sustained in a fight. The conflict was reportedly motivated by bullying.

These cases attracted widespread public attention, particularly in the age of rapid information dissemination, where such incidents quickly become known nationwide. However, violence in boarding schools is often concealed by school management, as it is perceived as a disgraceful occurrence within educational institutions. This reluctance to openly address such cases is further compounded by the sensitive association of many boarding schools with religious education, making discussions of violence a taboo subject within the broader community.

Physical Abuse Prevention Model at Boarding Schools

The phenomenon of violence occurring at boarding schools represents a form of social deviance within these institutions. Given the previously identified factors, it is essential to establish and implement effective prevention measures in boarding schools. The theoretical framework used to evaluate the prevention model is social control theory, first proposed by Travis Hirschi. Hirschi (2017) argues that there are four key components of social control theory.

1. *Attachment*, social attachment, particularly during adolescence, can be divided into three categories: attachment to parents, attachment to peers, and attachment to the school environment. Through these attachments, adolescents internalize values and social norms. In the context of boarding school education, students live away from their parents for extended periods, which weakens the transmission of family values and morals. Instead, students form significant attachments to their peers and the school environment. This dynamic can lead to the spread and reinforcement of values that may become ingrained as part of the school's culture, even when such values include violence under the guise of discipline.

To strengthen the bond between students and their parents, boarding schools should facilitate proactive communication by providing adequate channels for intimate interactions between students and their families. Boarding school management should also provide regular updates on parenting and educational development, while allowing parents more opportunities to visit their children. In some boarding schools, visitation times are restricted, limiting parental contact. (You may want to clarify the sentence regarding visitation limitations—what specific effect does this have on violence prevention?)

2. *Commitment*, commitment within the boarding school setting refers to adherence to the values, norms, and rules established by the institution. The rules enforced at boarding schools are typically designed to foster character development, with discipline as one of the core objectives.

When students fail to internalize these commitments as part of their social bonds, deviance may occur, leading to instances of violence.

Commitment to the established regulations and values is crucial in preventing deviant behavior. However, this commitment should not be limited to the students; boarding school management must also demonstrate commitment by actively supervising and controlling the environment in which parenting and education take place. (You may wish to elaborate more on how management's commitment specifically impacts student behavior.)

3. *Involvement*, Hirschi (2002) emphasizes the importance of involvement in structured, conventional activities, such as work, study, exercise, and social interaction. In boarding school life, daily, weekly, and monthly activities are typically scheduled in accordance with the school's curriculum at the beginning of the academic year.

Involving students in positive and constructive activities, such as extracurricular programs, religious practices, and other educational activities, can help prevent violent behavior. When students are engaged in meaningful activities, there is less idle time, reducing the likelihood of violent incidents. (This point is clear, but you could further explain how specific activities may deter violence more effectively than others.)

4. *Belief*, In the context of boarding schools, belief in the noble values instilled by the institution plays a crucial role. Each year, two key sets of values are emphasized: the school's motto and the Five Souls of Boarding School. The motto includes principles such as Virtue, Physical Fitness, Knowledge, and Critical Thinking. The Five Souls represent Sincerity, Simplicity, Independence, Brotherhood, and Freedom.

When these values are genuinely embraced and applied by both the students and the school management, the potential for violence can be significantly reduced. A strong belief in these values serves as a benchmark for success in the parenting and educational process within the boarding school environment.

In the theoretical framework, crime prevention is divided into three essential components. The first component is primary prevention, which is designed to identify the physical and social environmental conditions that create opportunities for or contribute to the occurrence of criminal actions. Through such analysis, supervision models and strategies can be developed to enhance security (Lab, 2020, p. 27). The second component is secondary prevention, which focuses on individuals, locations, and situations that exhibit a high potential for deviant behavior. Secondary prevention involves interventions in situations and individuals demonstrating a propensity for criminal behavior. Like primary prevention, the emphasis here is on preventing crime before it occurs. Once criminal acts have taken place, any interventions fall within the realm of tertiary prevention (Lab, 2020, p. 180). The third component, tertiary prevention, is concerned with reducing recidivism among offenders. It emphasizes measures designed to prevent confirmed offenders from harming the social community. While tertiary prevention focuses on individuals who have previously exhibited deviant behavior, prediction remains a crucial aspect of this approach. Specifically, the prediction in tertiary prevention aims at forecasting recidivism rather than initial offenses (Lab, 2020, p. 271).

From the analysis of social control theory, a prevention model emerges that divides activities into two main patterns: pre-emptive and preventive. The pre-emptive pattern refers to efforts aimed at inculcating moral values that encourage individuals to refrain from engaging in criminal or deviant behavior. In contrast, the preventive pattern consists of concrete follow-up actions to pre-emptive measures. Preventive actions not only work to prevent individuals from committing crimes and deviance but also aim to eliminate the intention to engage in such behaviors.

As adapted by Sutiawati and Mappaselleng (2020), pre-emptive and preventive measures are taken before any repressive action is employed to address crimes. In the context of violent cases, these measures are implemented to reduce crime rates by focusing on the management of environmental and

individual conditions that contribute to criminal actions and violence (Sutiawati & Mappaselleng, 2020, p. 18). Pre-emptive and preventive measures are carried out following a thorough analysis of violences, crimes, and deviant behaviors (Egbertaand & Krasmann, 2020).

Through the analysis of social control theory and the concept of prevention, several relevant and applicable prevention models emerge. To support the theoretical foundation of these models, this study refers to the Minister of Education and Culture Regulation Number 46 of 2023 on the Prevention and Countermeasures of Violence in Educational Environments (PPKSP). Dermawan (2001) highlights that developing a crime prevention model requires a comprehensive analysis of the causal factors of violence and an evaluation of various research perspectives. The following figure illustrates a model for preventing physical abuse in boarding schools.

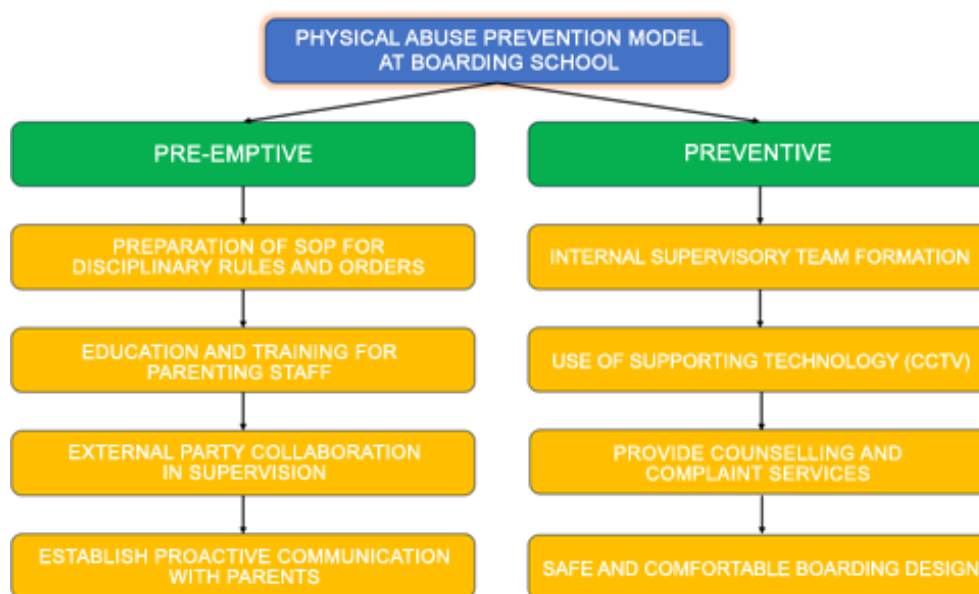


Figure 4.5. Physical Abuse Prevention Model at Boarding Schools

Briefly, the causal factors of violence at boarding schools have been discussed above, and its prevention is divided into two essential parts. The **pre-emptive model** includes four key aspects:

1. Preparation of Standard Operating Procedures (SOP) for Disciplinary Rules and Orders at Boarding Schools, to date, many boarding schools have implemented disciplinary operations based on long-standing traditions and culture, often without clear objectives for enforcing discipline. This situation underscores the need for the preparation of SOPs for disciplinary rules and orders at boarding schools, in accordance with the recommendations from the Minister of Education and Culture as outlined in the *Boarding School Book* and Minister of Education and Culture Regulation Number 46 of 2023 on the *Prevention and Countermeasures of Violence in Educational Environments (PPKSP)*.
2. Education and Training for Parenting Staff, to implement a consistent and integrated discipline system, it is essential that parenting staff possess the necessary qualifications. One requirement is certification based on the qualifications of a teacher to serve as parenting staff at boarding schools. Certification and qualification provide legal and academic accountability for the parenting process. Education and training for parenting staff should be based on a parenting curriculum system prepared according to the standards described in the first item.
3. Collaboration with External Parties for Supervision, supervision is a critical component of the physical abuse prevention model at boarding schools. This aspect aligns with the routine activity theory proposed by Felson and Cohen. A lack of supervision can be mitigated by increasing

collaboration with external parties. External parties refer to entities outside the boarding school institution, such as the police, the Child Protection Commission, and other social institutions. In the context of preventing violence in boarding schools, the principles of Broken Window Theory can be applied by creating a safe and well-maintained environment to reduce the potential for violent actions. As implemented by Polres Metro Tangerang through the Precision Pioneer Patrol, technology-based supervision, such as CCTV, can help ensure that the environment remains effectively monitored (Polres Metro Tangerang, 2023). For example, Aipda Titus, an investigator from the Criminal Investigation Unit of Ponorogo District Police, stated that "Boarding School 'G' is difficult to communicate with, even before violent cases arose. The school remained closed off to the police and government institutions." Collaboration in supervision with external parties can be achieved by providing access to monitoring processes, evaluations, and patrols by external institutions. This collaboration, however, must respect the internal parenting and teaching systems without intervening in the policy-making process of the boarding school.

4. Establishing Proactive Communication with Parents, the participation of parents is crucial in shaping the character of children during their formative years. The values instilled by parents early in life significantly influence a child's development as they progress through different life stages. Therefore, parents play a major role in determining their children's futures (Sunarni & Rosita, 2018, p. 321). Boarders at modern boarding schools are typically aged between 12 and 18, a critical developmental phase during which parental nurturing and education are vital. However, since boarders at boarding schools are removed from direct parental supervision, the process of parenting and education shifts to the boarding school environment. This transition leads to the internalization of values, norms, and morals from the boarding school rather than the parents. To prevent the detachment of students from their parents, a specific program that fosters proactive communication between boarders and parents is necessary. Boarding schools must provide sufficient and feasible means of communication to maintain this connection.

The second program in the violence prevention model at boarding schools involves more specific actions, directly carried out at boarding schools in the form of the following activities:

1. Formation of an Internal Supervisory Team, supervision is a key factor in preventing violent cases at boarding schools. In the pre-emptive model, external supervisors are responsible for overseeing parenting programs at a broader level. However, internal supervision is conducted at a more practical level by *Ustads* (boarding parents) and senior boarders, who are assigned as leaders of the student organization. Internal supervision includes routine patrols, the placement of surveillance posts at each boarding facility, and monitoring by security personnel. It is crucial that internal supervision be carried out in alignment with the values of the boarding school. Internal supervisors must receive appropriate education and training, particularly in the areas of inspection and observation, so that effective supervision can help prevent violent incidents.
2. Use of Supporting Technology (CCTV), until now, the use of Closed-Circuit Television (CCTV) in boarding schools has often been considered taboo or irrelevant. Some boarding schools believe that the installation of CCTV could hinder the development of self-discipline among students. However, CCTV has played a central role in contemporary policing and crime prevention. Evidence shows that CCTV surveillance is associated with a significant, though modest, reduction in crime (Welsh, Piza, Thomas, & Farrington, 2020, p. 58). Although initially met with resistance when introduced in the United States, the use of CCTV has since been recognized for its effectiveness in reducing crime rates. The installation of CCTV in boarding schools could similarly help reduce the risk of violence, as 24-hour supervision of activities is necessary, and CCTV can enhance both external and internal supervision.

3. Provision of Counseling and Complaint Services, counseling services are an important aspect of student development that has not yet been widely implemented in many boarding schools. The current paradigm in boarding schools suggests that parenting programs can accommodate counseling and complaint services. However, combining parenting with counseling may lead to biases in problem-solving. Guidance counseling is a process that helps individuals achieve self-understanding and direction, allowing them to better adapt to school, family, and community life (McLaughlin, Clark, & Chisholm, 2012, p. 12). Counselors must possess core competencies, such as the ability to listen to students' concerns, analyze their problems, and offer solutions. By providing counseling and complaint services, boarding schools offer junior students who are at risk of becoming victims an opportunity to report potential threats or violence.
4. Safe and Comfortable Boarding Design, the physical environment of a school or boarding school plays an important role in crime prevention. Currently, boarding school buildings typically consist of a mosque, classrooms, dormitories, and other supporting facilities. The *Boarding School Guide* from the Ministry of Education and Culture (Kemendikbud) recommends specific sizes for boarding school facilities, including classrooms ($\pm 63 \text{ m}^2$), staff rooms ($\pm 112 \text{ m}^2$), student rooms ($\pm 36 \text{ m}^2$), libraries ($\pm 200 \text{ m}^2$), and various laboratories, among others. The design of these facilities must support effective supervision. Supervisors' rooms should be located near student dormitories to ensure that supervision can be conducted efficiently.

CONCLUSION

Based on the results of the analysis, it can be concluded that routine activity theory and power relations theory effectively explain the factors contributing to the occurrence of physical abuse cases at boarding schools. Meanwhile, social control theory serves as the foundation for developing a prevention model for physical abuse cases in boarding schools.

First, routine activity theory describes patterns of violence involving potential victims, motivated offenders, and a lack of supervision. Current parenting practices position junior boarders as potential victims, while senior boarders, who are granted authority to enforce discipline, are positioned as potential offenders. Furthermore, inadequate supervision was identified at the two boarding schools that were the focus of this research.

Second, power relations theory highlights the power dynamics between senior and junior boarders, where the enforcement of discipline—motivated by violence—creates a power imbalance. This dynamic results in the conditions necessary for abuse to occur. This theory aligns with the conditions observed at the two boarding schools studied in this research.

Finally, social control theory forms the basis for the development of a prevention model for physical abuse cases in boarding schools. The concept of social bonds, central to social control theory, is not fully implemented in boarding schools. Therefore, strengthening social bonds is essential in the design of the prevention model.

In addition to the theoretical framework, a juridical approach is also integrated into the prevention model, drawing on regulations issued by the government, such as the Boarding School Guidelines from the Ministry of Education and Culture (Kemendikbud), Minister of Education and Culture Regulation Number 82 of 2015 on the Prevention and Countermeasures of Violence in Educational Environments, and Law No. 18 of 2019 on Boarding Schools. To further enhance the prevention model, the validation process included consultation with experts in Islamic education in Indonesia.

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Institutional and Social Pressure in Violating the Police Code of Ethics

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Hendra Wirawan^{1*}, Toetik Koesbardiati², Sutinah³

^{1,2,3} Department of Social Science, Airlangga University

Address: ^{1,2,3} Dharmawangsa Dalam, Airlangga, Surabaya, East Java-60286, Indonesia

E-mail Corresponding Author: *hendrawn@gmail.com

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Abstract

Institutional and social pressures on police officers often lead to violations of the code of ethics. This study aims to determine how institutional and social pressures can encourage ethical violations committed by police officers. This research is a qualitative study based on in-depth interviews with seven informants to explore and precisely describe the social phenomena that occur. The theory of anomie and the new institutional theory serve as the analytical tools in this research to produce unique and comprehensive findings. The research findings affirm that there are two types of police in responding to institutional pressure: police who view institutional pressure as a whip to work harder, and police who feel pressured by that pressure. In addition to institutional pressure, police also face social pressure in the form of demands to meet public expectations, which include: (1) police as 'all-knowing gods'; (2) police as superheroes for the community; and (3) police acting as influencers. The disparity in access and resources among police officers in meeting institutional and societal expectations drives some members to experience ethical conflicts that result in violations of the code of ethics. In institutional theory, ethics should serve as a tool to regulate behavior. In reality, this is hindered by unequal access and resources for each member within an institution, in this case, police officers. As a result, police officers who do not have adequate access and resources are driven to commit ethical violations to respond to institutional and social pressures.

Keywords: Police, Code of Ethics Violations, Institutional Pressure, Social Pressure.

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INTRODUCTION

Violations of the police code of ethics are a social phenomenon studied from a social science perspective in this research. This phenomenon was chosen because the police, who are supposed to be agents of social control (Christmas & Angelina, 2022), instead commit ethical violations in their own homes. Normatively, the police must adhere to the Indonesian National Police Regulation Number 6 of 2017, which assigns the police to maintain public security and order. The community believes that the police, as part of the social institution, are capable of working professionally in carrying out their duties as social control (Wang & Sun, 2020). Unfortunately, those social demands have not yet been fully realized. Proven by the frequent cases of police code of ethics violations that still occur in Indonesia. According to the Indonesian National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, the Indonesian National

Police Professional Code of Ethics (KEPP) is a set of moral norms or rules, both written and unwritten, that serve as guidelines for the attitudes, behaviors, and actions of Indonesian National Police officials in carrying out their duties, authorities, responsibilities, and daily lives. Meanwhile, what is meant by a violation is any act committed by a Polri Officer that is contrary to the KEPP. In relation to bureaucratic ethics, the police institution has established clear and strict regulations regarding a set of codes of ethics that must be adhered to by police members. However, in reality, a small number of police officers choose to violate these regulations, leading to misconduct. Nationally, the number of ethical violations during the 2023 period reached 5,012 cases. Among these thousands of cases, there are five regional police departments with the highest number of ethical violations.

NO	REGIONAL POLICE	NUMBER OF CASES
1	Polda T	721
2	Polda U	533
3	Polda V	265
4	Polda W	235
5	Polda X	215

(Source: Indonesian National Police, 2023)

Table 1.1. Five Police Regions with the Highest Number of Ethical Violations on a National Scale

Ethical violations committed by a small number of police officers can lead to suboptimal performance in serving the community (Stelkia, 2020), and of course, can decrease public trust in the institution (Clark et al., 2023). Not only have social demands not been realized, but institutional demands requiring police officers to submit to and comply with the institution (Bishopp et al., 2020), have also been tarnished by a small group of police officers who commit ethical violations. The public is not only concerned about police code of ethics violations (Chand et al., 2022), but also about how the police carry out their duties (Brookes et al., 2019). The police are expected to be role models in society, as well as pioneers in crime eradication (Ferdik et al., 2022), and are also demanded to perform optimally so that their career progression can proceed progressively. Basically, the police receive many demands from the community, both personally and institutionally.

Meanwhile, within the police force itself, there are also gaps in power, economic capital, social capital, and gender that cause differences in achievements among the police members (Luo et al., 2019). In the police force, rank and position greatly determine the extent of power and influence held by police officers (Jackson, 2020). It should be noted that within the police institution, there is a strong power relationship between superiors and subordinates (Fitri & Arman, 2023). That gap serves as an indicator that access to achieving legal cultural goals is relatively narrow, so each police officer must compete in a competitive career circle. The disparity in legal access to achieve cultural goals ultimately creates opportunities for the police to pursue illegal means. The unlawful means to achieve cultural goals

employed by the police can be categorized as ethical violations, commonly referred to as the 'blue code.' (Westmarland & Rowe, 2018).

In the context of policing, cultural goals that tend to pressure police officers but are not balanced with institutionalized means can lead to anomie. According to Merton (1938), anomie is a condition that occurs due to a counterproductive relationship between cultural goals and the legitimate means to achieve those goals. Cultural goals are representations of social and institutional expectations for law enforcement officers. This encourages deviance, which according to Merton is a normal occurrence because when the social system obstructs people from achieving cultural goals, that is when individuals will choose non-normative means. Anomie can occur due to the imbalance between institutional means and cultural goals that are overly pressing (Faizi & Nayebi, 2023). The theory of anomie has long been an analytical tool for understanding the relationship between social structure, culture, and deviant behavior (Pillay et al., 2023). From the perspective of anomie, the consequences of structural tension often lead people to experience pressure and deviance (Novaković, 2023). This was found in the Police Force, where structural tension within the police leads to members experiencing pressure and resulting in deviance known as ethical code violations.

There are five adaptation strategies that members of society can adopt to overcome anomie according to Merton (1938), including: 1) conformity, where individuals choose to accept the goals and means set by the social structure due to moral pressure; 2) innovation, where individuals accept the set goals but change the use of means; 3) ritualism, where individuals reject the set goals but accept and use the provided means; 4) retreatism, where both the set goals and means are completely rejected; 5) rebellion, where both the goals and means are not only rejected but also attempted to be replaced. Violations of the code of ethics are part of the 'deviance' of individuals within an institution, therefore, to obtain comprehensive analytical results, this research uses new institutional theory. Institutions are seen as entities that contain guidelines for action and behavior, and allow for sanctions in case of deviations. Besides being a theory, new institutionalism can also be used as an approach. The new institutional approach emerged in response to the weaknesses of the old institutionalism approach, which tended to emphasize formal structures and neglect the social and cultural influences of institutions. The key figures in the emergence of new institutionalism theory are Meyer & Rowan, (1977). Through their scholarly work titled "Institutionalized Organizations: Formal Structure as Myth and Ceremony," they explain how the process of institutions can shape organizations through cultural norms and values.

This research uses new institutionalized theory as a framework to examine ethical violations driven by institutional and social pressures. As an analytical tool, this research borrows the concept of isomorphism proposed by DiMaggio & Powell (1991) to examine how institutional and social pressures drive institutions to adapt, ultimately leading to violations of the Police Code of Ethics. This study categorizes pressure into two forms: institutional pressure originating from within the institution, and social pressure stemming from the external society. The categorization is intended to identify the forms of pressure on police officers not only from within the institution but also from society at large.

Similar research discussing the code of ethics within the Police environment has been conducted by several previous researchers, including Fathoni & Salim, (2023), who examined the implementation of the code of ethics in the Police. The research is sufficient to provide parameters for the understanding of the Police members regarding the code of ethics. However, the previous research has not succeeded in finding any denial of the code of ethics, which in this study is referred to as violations. Therefore, this research aims to fill that gap and delve into the ethical violations committed by police officers. Another previous study was conducted by Suharni et al., (2024) which highlighted efforts to enforce the Police Code of Ethics. In the study, it was emphasized that community participation is necessary as a control agent for the enforcement of the Police Code of Ethics. The recommendations from the study provide guidance for researchers that community involvement in social spaces is necessary to control the behavior of police officers. However, previous research has not succeeded in uncovering the paradox that if the community is involved in overseeing the enforcement of the code of ethics in the Police, this gap is utilized by this study as a novelty. The research conducted by Kansil & Vedora (2024) also specifically analyzes violations of the police code of ethics and abuse of authority, ultimately finding that ethical understanding among every police officer is an important aspect so that law enforcement carried out by police officers can bring satisfaction and justice to the community. The previous research is relevant to this study, but it has not succeeded in uncovering the factors causing ethical violations and abuse of authority as this study does.

From the three previous studies mentioned above, this research is original because it has a novelty orientation in the form of ethical code violations from institutional and social aspects that have not been comprehensively analyzed by previous researchers. The violation of police ethics seems to create a paradox in the minds of the public; the police, who are placed in the social and cultural structure as figures handling social deviations, are instead trapped in deviations within their own 'house.' That point is what underlies the conduct of this research. The paradox between the cultural goal that requires the police to behave perfectly and the inability of the social structure to accommodate the achievement of that goal is an interesting and unique aspect to be studied more deeply in this research. There are two research questions as the basis for data collection and analysis, namely: 1) How does institutional pressure within the organizational structure of the Police contribute to ethical code violations?; and 2) How does social pressure from the community influence ethical code violations among Police members?.

This research is a qualitative study based on in-depth interviews with informants to explore and precisely describe the social phenomena that occur. The primary data in this study consists of in-depth interviews conducted with seven members of Polda X who have committed violations in the past three years. This study applies purposive sampling techniques in determining informants. Secondary data in this study consists of library sources such as journal articles, books, and various research findings related to the Police Code of Ethics. Data analysis in this study refers to three analytical steps as emphasized by Miles, Huberman, and Saldana, which include the stages of condensation, presentation, and

verification or data conclusion (Sugiyono, 2017). There are two reasons that underlie the focus of this research solely on Polda X. The first is that the number of police personnel in Polda X is the highest on a national scale. Referring to the data from the Polri Quarterly Strength Report for the third quarter of 2023, the number of Polda X personnel as of December 31, 2022, reached 37,993. The ratio compared to the population is 1:1087. The number of personnel is the largest in Indonesia. Second, this research is conducted to qualitatively examine whether the number of personnel will be proportional to the number of code of ethics violators at Polda X.

DISCUSSION

Institutional and Social Pressure at Polda X

Police are surrounded by binding rules that are coercive, both written and unwritten. DiMaggio & Powell (1991) explain that any institution that desires a strong and well-organized system must be active in rewarding compliance and must also be strict in imposing sanctions for non-compliance. The existence of binding regulations in the police force, whether acknowledged or not, can create institutional pressure for the police. It should be understood that pressure is not always associated with a negative connotation; in the context of this research, institutional pressure is seen as a predictor that can have a positive impact, but it can also bring negative influences. This study found three forms of institutional pressure present in the police environment, namely coercive pressure, normative influence, and mimicry.

Coercive Pressure

Coercive pressure is usually exerted by external stakeholders such as government authorities, non-governmental organizations, or agencies under the government. The presence of coercive pressure is believed to shape environmental protection and the legislative mandate of the organization (Berrone et al., 2013). At first glance, coercive pressure seems heavily influenced by external factors, but according to Roxas & Coetzer (2012), coercive pressure is also related to the internal behavior of individuals. As an institution that works for the government, Polda X cannot be separated from the roles of both internal and external stakeholders. Based on the data collection results, this research found that coercive pressure in the police environment always exists at various levels, from the National Police Headquarters (Mabes Polri), Regional Police (Polda), Resort Police (Polres), to Sector Police (Polsek). Each level has different coercive pressures according to the interests and policies within them.

First, the coercive pressure of legitimacy. Members of the East Java Police experienced coercive pressure stemming from political and legitimacy aspects. The political aspect in this case is not merely limited to the realm of practical politics. Moreover, politics is translated in the context of the distribution of power, authority, and positions. In the police environment, political elements always emerge to compete for power, obtain positions, and gain higher authority. It is not uncommon for police officers to pressure each other to obtain the highest positions in their ranks. Outstanding police officers will

secure the highest positions in the eyes of their superiors, and ultimately, this can bring benefits such as awards, promotions, and the like.

"My violation was purely my fault, but behind it, there was indeed some kind of conditioning scheme that caused me to be frustrated because I was suddenly transferred." In my opinion, in the police force, especially at the place where I used to serve, violations committed by police officers can be intentional. The meaning of intentional is that mistakes are sought out or deliberately set up to make mistakes. The purpose of such entrapment is to sabotage the careers of police officers who are considered to be excelling. (Q2, June 2024).

From the results of data collection in the field, it was found that one of the impacts of political pressure within the police environment is the occurrence of ethical code violations by police members, which are done unconsciously. Some police officers are unaware that their actions fall under a violation of the code of ethics because their actions are not done of their own volition, but rather under the orders of their superiors.

"Coincidentally, two years ago, I was investigated in a KKEP case as a suspected violator." In this case, I feel that I did not commit any wrongdoing because at the time of the incident, I had already been transferred from the Head of Criminal Investigation Unit at Police Sector A to the Head of Criminal Investigation Unit at Police Sector B. The transfer was effective from May 27, 2022, while the incident of a person dying in the detention room of Police Sector A occurred on May 29, 2022. At that time, based on the Sprin from the Chief of Police which stated: while waiting for further decisions, I was relieved from my duties and responsibilities as the former Kanit on May 27, 2022. However, the fact is that I am here following the orders of the Police Chief and have been declared guilty. "This is evidence that law enforcement is still selective," (Q1, June 2024)

A similar opinion was also expressed by Q6, who stated that he could not accept the sanction for the ethical violation because he felt he did not commit the alleged act. Such actions become an inseparable part of the political elements within the police environment. The goal is to remove members who are considered not aligned with the vision and mission of the leadership and to hinder the progress of the organization that has been built by seniors. As conveyed by informant Q3, members who do not align with the opinions of the leadership and senior members are made to feel alienated from the work environment.

Coercive pressure that encourages organizational members to make adjustments also comes from the aspect of legitimacy. In the context of the police force, coercive pressure in the form of legitimacy includes laws and a set of regulations held by the National Police. One of the police regulations mentioned by Q1 as a source of coercive pressure is the Indonesian National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National

Police Code of Ethics Commission. According to Q1, Police Regulation No. 7 of 2022 Article 16, which obliges subordinates to carry out orders from superiors related to the execution of duties, functions, and authorities and report to superiors, becomes a boomerang that harms subordinates. Considered by Q1 to be detrimental to subordinates because in that article, every subordinate is required to carry out the superior's orders as long as they do not violate legal norms, religious norms, and moral norms. Q1 explained that sometimes the superior's orders do not violate norms, but they are too burdensome for the subordinates.

Second, coercive pressure from superiors. This second pressure is still related to Perpol No. 7 of 2022 Article 16, which requires subordinates to carry out their superiors' orders. This study found that members complained about the arbitrary actions of some leaders. For example, Q3 felt that his dignity and honor were demeaned by his superior in front of his children, wife, and fellow officers at a police station. Although Q3 acknowledged that he had made a mistake, he believed that it was inappropriate for his superior to humiliate him by shouting, cursing, and physically punishing him in front of his children and wife. The leader's actions made Q3 annoyed and ultimately chose not to perform tasks optimally.

The pressure from the superior that led to violations was also experienced by Q4. For Q4, the leader is an annoying figure because every day there is always a way to get angry at the members even if there is no mistake. The leader's actions were unacceptable to the members because they put them under pressure. When in a stressful situation, lacking mature self-control pushed Q4 to bravely confront the leader by engaging in a verbal argument that escalated to physical contact. For his defiance against the superior, Q4 received a sanction for his actions because he violated the police code of ethics. The presence of Police Regulation No. 7 of 2022 strengthens the dominance of superiors over subordinates among police officers. Q3, Q4, and Q6 serve as concrete evidence of the practice of superior dominance that harms subordinates. The losses borne by subordinates are not always related to material aspects, but rather to physical, psychological, and career advancement being hindered due to being entangled in cases of ethical violations.

Third, the pressure from the existence of a 'seniority culture.' The culture of seniority requires junior members to comply without much confrontation with seniors (Felicia & Jeffrey, 2017). On one hand, seniority has a good purpose, which is to respect senior police officers. However, on the other hand, this research found that seniority is one of the factors causing police officers to experience institutional coercive pressure.

"As a junior among my teammates, I felt a bit elevated." In the sense that at that time I was riding the best motorcycle compared to the seniors. The senior used an ordinary motorcycle. I have an extraordinary partner, almost at every event I am used for escort services, maybe there is a gap there. From there, perhaps narratives that were not true about me were eventually created and reached the ears of the leadership. As an ordinary person, I have emotions that are annoyed, mixed, and angry. A bad intention arose in

my heart because I was frustrated, and in the end, I misused the ticket I had. (Q2, June 2024).

Since their education, police officers are taught to respect their seniors. The 'senior-junior mentorship' culture within the police force is actually well-intentioned, aiming to provide guidance to juniors like an older sibling helping a younger one. However, when applied in the police work environment, seniority actually brings coercive pressure to juniors. The mentorship that initially came with good intentions then transforms into pressure for the juniors. Referred to as pressure because some seniors place juniors as subordinate groups without power. It has a negative impact on the development of the institution, as the culture of seniority is negatively associated with innovation efficiency (Xu et al., 2023). Q4 said that seniors are the second-in-command after the leader whose orders must be followed. In line with that, Q2 considers that seniors are people who contribute to the advancement of juniors' careers, but at the same time, seniors also become a barrier to juniors' progressiveness.

Institutional coercive pressure can have a dual role for police officers. On one hand, it can serve as a whip to ensure that they always work on track according to standard operating procedures. Coercive pressure used in moderation can create evolution in an institution (Vos & Voets, 2022). The research results by Peng et al., (2023) indicate that coercive pressure can effectively improve worker performance and create social harmony within an organization. The combination of coercive, mimetic, and normative pressures has a positive impact on the quality of public service (Pan & Fan, 2023). Institutional pressure positively affects the progressiveness of the organization (Tenggono et al., 2024). On the other hand, institutional coercive pressure can trigger deviations in the form of ethical code violations. According to Crosswhite & Kerpelman (2009), overly coercive culture and social structure are one of the triggers for deviance. Regarding coercive pressure, this study found three forms of coercive pressure experienced by members of the East Java Regional Police during their service, namely: 1) pressure in the form of legitimacy; 2) pressure from superiors; 3) pressure from the 'seniority' culture. First, pressure in the form of legitimacy.

Mimesis Pressure

The researchers also successfully identified a second pressure, namely mimetic isomorphism, which is reflected in the organization's desire to imitate other institutions that have successfully implemented digitalization. Some police officers feel that the incomplete digitalization creates confusion in the work system. The new technology introduced in the East Java Police's work system forces police officers to adapt first, and ultimately, it can take relatively longer work hours because they need to learn and undergo training. Problems arise due to the unclear roadmap for technology utilization in the Police Force, which seems to merely fulfill obligations.

"All agencies must implement this digitization because there are already instructions from superiors to transform the work system." However, the problem is that we run out of time to learn and adapt to the new working methods. Even if it is deemed very urgent,

the management will definitely hold special training to learn that technology. Sometimes we as members feel pressured by this situation. Stressed in the sense of feeling wronged, we have already studied, but it turns out the system has been changed and updated again. Usually just for testing purposes, (Q7, June 2024).

Members of the East Java Police are concerned that if their time is spent learning new technology, it will ultimately not be used because it is merely a prototype trial. According to Q2, the time spent learning becomes wasted if digitization is only used for trials. If we draw a common thread, the uncertainty experienced by an organization can also lead to the emergence of anomie among its members due to anxiety, confusion, and hesitation in responding to every change occurring in the organizational environment. Therefore, new technologies and all forms of policy changes need to be aligned with the organizational culture.

The desire to imitate other institutions is also reflected in the organization of large-scale events within the East Java Regional Police. For example, when commemorating the Independence Day and Police Day, the East Java Regional Police held large-scale activities that required a lot of manpower, finances, and time. At that time, police officers felt burdened because they had to find funding sources, and it was not uncommon for them to dip into their personal pockets to contribute funds for the activities. Q1 admitted to being reluctant if asked to contribute financially for the purpose of organizing the event. Q7 also expressed a similar sentiment, stating that he disagreed with the idea of burdening police officers with the agency's events. Nevertheless, Q1 and Q7 still spent money on funding the activities because neither of them dared to refuse the instructions from their superiors. The experiences of Q1 and Q7 reflect that both are in a state of mimetic isomorphism, meaning the pressure arises from the demand to imitate other organizations that have larger activities, even though it must be endured by sacrificing time, effort, and resources.

Based on the findings of this research, the mimesis pressure occurring at Polda X has resulted in the emergence of ethical code violations. Financial pressure in the form of seeking funds to organize certain events has caused police officers to violate regulations by soliciting bribes from lawbreakers. This action reflects the misconduct of police officers that is contrary to the code of ethics. The Police institution needs to implement institutional improvements that prioritize resource allocation without having to forcefully imitate other institutions equipped with greater resources.

Another situation that makes members of the East Java Police feel pressured is the public trust index. In writing, there is no obligation for police officers to maintain public trust, but it has become a social evaluation indicator that the police must fulfill to uphold the dignity of the National Police itself. Quoted from the website <https://www.humas.polri.go.id/>, the Chief of the Indonesian National Police has urged police personnel to improve their performance in order to maintain public trust. According to Barton & Beynon (2015), the higher the level of public trust, the greater the likelihood that the systems within an organization can function and achieve the set goals. Public trust is not just a meaningless number. The leadership of the National Police has instructed all members to maintain public trust. The

actions taken by the police must be controlled in such a way as to avoid falling into ethical violations that could tarnish the good image of the police.

The Chief of Police's message to his subordinates will surely be carried out by all police officers, but it doesn't mean that every police officer is happy to implement it. One police officer who is not pleased with the public trust index is Q3. He feels burdened by public trust because no matter how hard the police force pursues it, the number is bound to drop when there are legal issues involving law enforcement officers. Another opinion from a different perspective was expressed by Q5, who stated that the presence of public trust makes the police's performance no longer based on the purity of heart to serve the community. The performance of the police has shifted from being service-oriented to branding-oriented. Furthermore, Q5 stated that all actions taken by the police will ultimately lead to enhancing the positive image of the police. There is nothing wrong, but according to Q5, it can undermine the good intentions of the police who want to serve and assist the community voluntarily and selflessly.

The pressure to achieve public trust targets, according to Q6, is only experienced by 'lower-ranking' police officers. Q6 provided an example when the Chief of the Indonesian National Police asked his subordinates not to engage in flexing or flaunting wealth and luxury items in front of the public. At that time, the crackdown on the use of luxury items only targeted members with non-commissioned officer ranks. Meanwhile, members with officer ranks still wore luxury items while working or when interacting with the public. Q6 believes there is selective inconsistency in the rules that are not applied evenly. Social control over deviant actions is only directed at police with the rank of non-commissioned officer, or at least junior officer. Meanwhile, police with the rank of middle and senior officers, as mentioned by Q6, have been exempt from social control within the police institution.

"If you remember, a few years ago, the public was highlighting cases of flaunting wealth or flexing." At that time, we as police officers were also instructed by our superiors to control ourselves so as not to be too conspicuous in appearance, demeanor, and behavior in public. In other words, we were asked to be low profile. We, as subordinates, are ready to be low profile because there is nothing to show off except for our uniforms. Meanwhile, if we look at the reality on the ground, it proves that the subordinates are indeed low profile, but the superiors continue to show glamour and hedonism. (Q6, June 2024).

Lower-ranking police officers feel pressured by public trust because they are both subjects who must strive to improve public trust and objects being evaluated by the public. Therefore, it can be concluded that there are three forms of mimetic pressure at the East Java Police, namely: 1) adopting digitalization; 2) holding events that are imposed on members; and 3) maintaining and increasing public trust as an indicator of the success of the police's performance. There are two perspectives that can be seen from mimetic pressure. First, police officers can be encouraged to innovate and create work programs that are in line with the times. Second, innovation and progress can be achieved if supported

by sufficient material resource availability. Innovation will remain on the planning table without adequate material and human resource support.

An organization is motivated to make adjustments by imitating other organizations that have more advantages in certain fields (DiMaggio & Powell, 1991). According to Ashworth et al., (2009), mimetic isomorphism pressure encourages an organization to imitate the activities, systems, and structures of other organizations. The act of imitation is intended to address the uncertainty faced by the organization, by adopting practices and patterns that have been successfully implemented by other organizations (Özbek et al., 2024). The uncertainty can manifest as anxiety in responding to the latest technology, confusion in understanding ambiguous goals, and hesitation in responding to social changes. Previous studies tended to use the concept of mimetic pressure to examine dynamics within a company, but in reality, this research successfully found the presence of mimetic pressure within the police force.

Normative Pressure

This research found that the police in East Java Regional Police face normative isomorphism, commonly referred to as normative pressure. Normative pressure encourages organizational members to make adjustments to work more professionally and in accordance with the organizational culture. Regarding the first form of normative pressure, which is the obligation to always provide optimal service to the community, the police consider this pressure to be beneficial for the society. In this study, Q5 stated that the duty of the police as state servants is none other than to serve the community optimally and excellently. In line with Q5's opinion, Q4 also stated that the police must serve the community wholeheartedly. A different opinion was expressed by Q1, who stated that in reality, lower-level police officers desire excellent service, but are sometimes hindered by administrative processes. Q1 provided an example, when there was a report of a suicide in a village, the police stationed at the sub-district police station immediately went to the field to assess the situation and conditions. However, because the crime scene investigation can only be conducted by the district police, the officers stationed at the sub-district police can only wait for the district police officers to arrive. Meanwhile, the public certainly does not understand the procedure. Q1 explained that what the community needs is for the case to be handled immediately, regardless of whether it's the local police station or the district police.

"Police are just ordinary humans with limitations." Patience has its limits, abilities have their limits. I am sure that the police at the lower levels must hope to provide the best service to the community as long as they are supported by the higher authorities. I will give an example, one time we received a report of a suicide in a house. As police, we certainly go to the field to examine the situation and conditions, as well as secure the crime scene. The public certainly hopes that the person who committed suicide can be handled immediately because their body will be buried soon, like that. However, we are constrained by the applicable protocols and mechanisms. We from the police precinct cannot act, the crime scene investigation must wait for the police resort. In such a

situation, we are confused whether to follow the SOP or to follow the public. Of course, the public doesn't care and doesn't know who should be handling it; the public knows that the police, whether from the precinct or the resort, are the ones handling it. (Q1, June 2024).

In the situation described by Q1, the police are under normative pressure. The police are under pressure because they are faced with the public's demand to resolve a case quickly, as well as the institution's demand to work according to the applicable procedures. Such pressure was also experienced by Q3. However, the demands coming from Q3 were not from the public, but from the leadership and official duties. While carrying out his duties, Q3 always worked according to the targets set by the leadership at the unit level. However, while he was working hard to complete tasks according to the target, there was a demand from the highest-level leader at his workplace asking him to attend activities outside the scope of his job on time. In that situation, Q3 experienced a dilemma due to normative pressure from the leadership with work duties. Normative pressure can moderate demands and expectations that influence individual or group decision-making (Wangrow et al., 2022). Instead of facing normative pressure with social order, Q3 responded by violating the code of ethics by falsifying case files to meet work targets.

In a situation almost identical to Q3, Q6 also experienced normative pressure that led to a violation of the code of ethics. Q6, as a police officer handling narcotics cases, was accustomed to working to meet the targets set by superiors. On one hand, he has to work extra hard to meet the targets; if the targets are not met, there are consequences to bear. However, on the other hand, in order to achieve the targets, a police officer is required to work according to Standard Operating Procedures. Normatively, the police must work under the auspices of the law, but the existence of targets drives the police to do whatever it takes to prove their best performance. In pursuit of service targets, Q6 chose to violate the code of ethics by abusing authority and consuming narcotics. The situation experienced by Q3 and Q6 serves as evidence that in the East Java Police, normative pressure is a common occurrence and can lead to violations of the code of ethics.

Normative pressure is an institutional factor that provides the greatest explanatory power in the demand for guarantees (Martínez-Ferrero & García-Sánchez, 2017). Essentially, normative pressure is created to encourage organizations to develop into professionals by adopting institutional practices (Gottschalk & Hamerton, 2024). The process of professionalization encourages members of the organization to enhance their work ethic and change work methods that are not aligned with the organization's goals (Kent et al., 2014). The easiest way to become a professional member of an organization is through formal education and participating in both formal and informal training. However, within the scope of the police force, not all members have the same opportunity to pursue formal education and training. These disparities in opportunities can occur due to political and economic interference. Q2 stated that not all police officers have the opportunity to pursue education and training. Furthermore, Q2 believes that the majority of police officers who have access to education, training, and

promotion are supported by the factor of interpersonal closeness with leaders within the police ranks.

"As far as I know, those members who are close to the leadership are the ones who advance their careers quickly." if we were to put it in percentages, those who are close to the leaders, who serve the leaders, who have an emotional closeness with the leaders, loyal to the leaders, their careers advance eighty percent faster than those who have achievements. If we compare loyalty to the leaders and achievements, the ratio is 80%:20%," (Q2, June 2024)

One police officer who lacks the power and resources to obtain access to education and training is forced to find their own way to achieve it. The path he took actually led him to material losses because he was deceived by fellow police officers who claimed to have access to faster schooling and promotions. As for Q6's confession, it is as follows: "My colleague was a victim of fraud by fellow police officers who promised him faster schooling and career advancement." Career advancement means promotions and position. "Besides education and training, the work ethic and methods used by organizational members are also influenced by organizational culture." What is meant by organizational culture is a set of value systems, beliefs, assumptions, and norms agreed upon by organizational members as guidelines for behavior, actions, and problem-solving within the organization (Sutrisno, 2013). According to Kotter & Heskett (1992), organizational behavior and performance effectiveness are influenced by a strong and positive culture. Institutional pressure can encourage organizational staff to become more professional in their efforts to strengthen legitimacy (Azaghough-El Fardi, 2021). On the contrary, a weak and negative organizational culture can reduce institutional pressure that hinders the achievement of organizational goals.

It can be concluded that there are three forms of normative pressure commonly faced by the police in the East Java Regional Police, including: 1) service to the community is required to always be optimal; 2) working according to organizational targets; 3) being required to have adequate formal and informal education. These three forms of pressure are one of the factors that drive some police officers to commit ethical violations, as found in this study.

The data findings explained above culminate in institutional theory, which according to some researchers contains propositions that are not easily measurable (Katz et al., 2002). One of the main ideas of institutional theory is that actors occupying strategic positions in an organization share the same beliefs, which can influence the organization's members to adopt the structures and practices determined by the officials. Organizations are often under pressure to adapt to institutional expectations, regardless of the efficiency of the structure contained within those expectations (Giblin & Burruss, 2009). Organizations that operate in accordance with the advice and prohibitions of their institutional environment are considered legitimate. The value contained in the organization comes from the legitimacy granted by the external environment, not from the success of creating an effective and efficient structure (Zucker, 1988).

The failure of an organization to respond to institutional pressures can lead to doubts about the legitimacy of the organization itself (Maguire & King, 2007). The environment can limit, shape, and

penetrate organizations (Scott, 2001). Conversely, organizations can also influence the environment (Blau & Scott, 2003). This also applies to the members of the East Java Regional Police. In order to maintain the legitimacy and dignity of the organization, the East Java Regional Police view institutional pressure as a tool to motivate members to work professionally, proportionally, and optimally. However, the stance taken by the East Java Police as an organization is not the same as the individual attitudes of the police officers.

When there was pressure to adapt to the expectations of the community and the institution, which did not necessarily create efficiency and effectiveness, the members of the East Java Regional Police did not fully adapt. This study found a covert rejection by members of the East Java Police towards institutional pressures in the form of changes to badges, emblems, and unit names that frequently occur during leadership transitions. As stated by Q6 and Q7, police officers sometimes feel uncomfortable with the changes in unit names, symbols, and badges that almost always occur with every rotation of positions. From the perspective of police officers, changing the insignia, badge, and unit name does not affect the creation of an effective and efficient work environment. Nevertheless, as part of individuals within an institution, police officers continue to follow every change; if they do not comply, the attributes they wear are considered invalid.

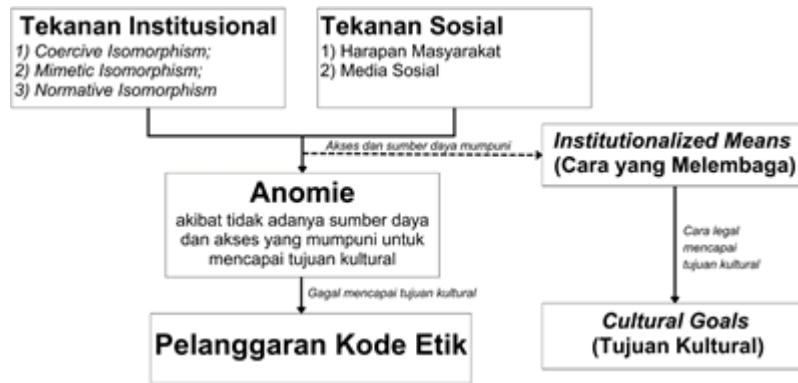
Three forms of institutional pressure experienced by members of the East Java Police, namely coercive, mimetic, and normative pressure, can ideally encourage a more quality and progressive work climate in public service areas (Pan & Fan, 2023) (Tenggono et al., 2024). Institutional pressure can shape the professionalization of staff performance in an organization (Azaghough-El Fardi, 2021). The professionalization of staff performance is based on institutional pressure to become similar to other organizations (DiMaggio & Powell, 1991). Public organizations become subjects of institutional pressure that encourages the creation of organizational homogeneity (Ashworth et al., 2009).

According to DiMaggio & Powell (1991), organizations that prioritize legitimacy tend to strive to align with external expectations. These external expectations encourage organizations to separate internal activities and shift their focus to systems that are symbolic in nature for external parties (Meyer & Rowan, 1977). This can be found in this study, where the term "the police are gods" symbolizes external expectations that shift the focus of the police from human resource development to the symbolic enhancement of public trust.

Violation of the Code of Ethics as a Result of Institutional and Social Pressure

As mentioned in the background, there are two forms of pressure in the Police Force, namely institutional pressure and social pressure. These two forms of pressure are known to cause ethical violations committed by some police officers. Institutional and social pressures can lead to ethical violations because not all police officers have the same access and resources to achieve the goals expected by the police force or society. In relation to this, in this subsection, the researcher comprehensively explains the causality between institutional pressure, social pressure, anomie, and

ethical violations. These four aspects can occur in a linear line as illustrated in Figure 1 below.



(Source: Researcher Analysis, 2024)

Figure 1. Flowchart of Causes of Code of Ethics Violations

It can be observed in Figure 1 above, that violations of the code of ethics can occur when police officers fail to achieve cultural goals. The failure to achieve cultural goals is caused by anomie. The condition of anomie experienced by police officers can occur because the access and resources available to each officer are not the same. For officers who have adequate access and resources, they are ready to achieve cultural goals through institutional means, meaning they use procedures according to the rules. Meanwhile, officers with limited access and resources feel unable to achieve cultural goals normatively. The cultural goals are a representation of the output of social and institutional pressures that desire every police officer to 'succeed.' The cultural goal is a representation of the output of social and institutional pressures that desire every police officer to 'succeed.' Merton proposed five forms of individual adaptation strategies when facing anomie due to social pressure, namely: a) conformist; b) innovative; c) ritualistic; d) retreatist; and e) rebel. Unlike Merton's thesis, this research found four adaptation strategies among police officers when facing anomie due to institutional and social pressure. The strategies commonly employed are: 1) conformist; 2) ritualistic; 3) retreatist; and 4) rebel.

The four types of police officers based on their adaptation strategies in facing institutional and social pressure are: 1) Conformist type, police officers who submit and comply with the institution will choose to conform to all forms of changes within the police force, even if they do not personally agree with the changes, conformity is prioritized.

Merton proposed 5 forms of individual adaptation strategies when facing anomie due to social pressure, including: a) conformist; b) innovative; c) ritualistic; d) retreatist; and e) rebel. Unlike Merton's thesis, this research found 4 adaptation strategies among police officers when facing anomie due to institutional and social pressure. The strategies commonly employed are: 1) conformist; 2) ritualistic; 3) retreatist; and 4) rebel.

The 4 types of police officers viewed from the adaptation strategies in facing institutional and social pressure are: 1) Conformist type, police officers who are submissive and obedient to the institution will choose to conform to all forms of changes within the police force, even if they do not personally

agree with the changes, conformity is prioritized. However, this type of police officer tends to be slow in innovating due to the fear of sanctions if they make improvisations. This type of police officer is less able to develop quickly because they only follow normative rules, thus their potential for creativity is greatly suppressed. 2) Ritual type, police officers of the ritual type tend to carry out institutional orders based on habit rather than awareness, unlike conformist-type police officers. This type of police can be born from the 'womb' of a bureaucratic system that prioritizes administrative reporting. The impact is that, in the long term, this type of police can reduce institutional efficiency and delay the institution from achieving its expected goals. 3) The withdrawal type, police of this type tend to choose to avoid tasks that are deemed inconsistent with subjective values. This type of police officer is prone to violating the professional code of ethics, even on a small scale and without endangering the institution. Institutional mechanisms that do not provide emotional support and appropriate recognition can increase the likelihood of this type of police officer committing ethical violations. 4) The rebel type, police officers of this type tend to be vocal and vulgar in expressing their rejection of the policies set by the police system. The four types are described in Table 1 below.

NO	TYPE OF POLICE PERSONNEL – ADAPTATION STRATEGY	INFORMANT
1	Conformist	Q7
2	Ritualistic	Q1
3	Withdrawn	Q2, Q3
4	Rebellious	Q4, Q6

Table 1. Adaptation Strategies of East Java Regional Police Members in Facing Institutional and Social Pressures (Source: Researcher Analysis, 2024)

This research found that the type of police based on the above categories is dynamic. For example, Q7 was initially the type of rebel against seniors whom he felt did not treat him fairly. He also violated ethics by renting out vehicles to cut down illegal trees in a forest. However, over time, after receiving an ethical sanction for the violation, he now chooses to become a conformist officer who adheres to and obeys the rules. This is the opposite for Q4 and Q6; initially, he was a conformist officer who always obeyed the superiors. However, due to internal conflicts with the leadership, and his perception that the leadership treated him unfairly, he gradually changed his attitude to become a rebellious officer. Even Q4 and Q6 dared to confront the leadership openly, resulting in them being subjected to ethical sanctions. Meanwhile, a change in attitude was also shown by Q1. The police officer with the rank of junior officer was initially an officer who was always active in offering ideas and suggestions for the advancement of the institution. However, after he got involved in an ethical violation case that he believed was not his fault, he became reluctant to contribute ideas and suggestions. He prefers to be an 'ordinary' police officer without having to work hard. Changes in attitude and actions were also made by Q2 and Q3 as a form of adaptation strategy. Initially, Q2 and Q3 were always diligent

in their work, even always optimal in carrying out their tasks. However, at one point, both of them felt they were being treated unfairly by the management, even tending to become 'scapegoats'. That condition made him reluctant to work optimally and chose to withdraw from working altogether.

The findings of this research, as mentioned above, indicate that police types vary according to the adaptation strategies employed to 'combat' anomie resulting from institutional and social pressures. The theory of anomie reinforces the thesis presented in this research, particularly concerning violations of the police code of ethics. Referring to Merton's anomie theory, deviance can occur due to an imbalance between institutional and cultural goals and the means provided. For police officers who have sufficient resources and competent skills, they can easily achieve the expected positions. Conversely, for police officers who are not endowed with adequate resources and good competence, there is no choice but to accept the social facts that occur. In such conditions, police officers who cannot perfectly achieve institutional and cultural goals will be in a state of anomie. The state of anomie is addressed with four adaptation strategies as outlined in Table 4.2.

The process of achieving institutional and social goals is limited by the existence of a code of ethics. From the perspective of bureaucratic ethics implementation, the code of ethics can provide guidelines for the police in carrying out their duties, while also being useful in strengthening public trust. Like a compass, the code of ethics indicates the moral direction and ensures the quality of the police in running the organizational wheel in the eyes of the public (Muhammad, 2018). The code of ethics makes it easier for the honor council to pass judgment on police 'officers' who commit violations. However, when confronted with bureaucratic ethics, this research found that police officers who violate the code of ethics feel ashamed because they are worried about being perceived as individuals lacking morality in carrying out their duties.

Violations of the code of ethics within the police force become a 'common enemy' that the police fight against to maintain integrity and professionalism in the police institution. Violations of the code of ethics can occur due to institutional pressures and social pressures surrounding police officers. In the context of bureaucracy, ethics play an important role in controlling police behavior, but its implementation is often hindered by the realities on the ground. The obstacles stem from institutional pressures that demand the police to achieve institutional goals, as well as social pressures that force the police to meet cultural objectives.

CONCLUSION

Institutional pressure on police officers related to violations of the code of ethics includes coercive pressure, normative influence, and mimicry. In this study, there are two types of police officers: first, those who place institutional pressure as a whip to work harder, and second, those who are pressured by the binding rules of the police force. Institutional pressure in the form of coercive, mimetic, and normative pressure can create a stressful work environment for police officers. This study concludes that full compliance with hierarchical institutions encourages members to follow orders without

considering ethical and moral values. As a result, police officers who lack power, access, and adequate resources resort to illegal means to achieve total compliance. The situation creates a 'moral compulsion' that ultimately triggers violations of the code of ethics in order to maintain rank, position, and status within the police institution.

In addition to institutional pressure, social pressure also plays a significant role in pushing police officers to violate the code of ethics. The high expectations of the public towards the police, namely wanting the police to become 'gods', expecting the police to be present as 'superheroes' and 'influencers', can increase the pressure faced by police officers. Not to mention the pressure from social media and the demands to chase public trust figures, which further compresses the police under the weight of numerous expectations. This study concludes that there are times when public expectations of the police conflict with the institutional realities possessed by the police officers themselves. As a result, police officers who do not have adequate access and resources to meet public expectations will strive hard to fulfill social expectations by any means necessary, including illegal methods. Therefore, if we draw a straight line, the excessive expectations of the public towards the police can turn into social pressure for the police with limited access and resources. Social pressure that is left unchecked will ultimately encourage violations of the code of ethics.

In the end, it can be concluded that institutional and social pressures at Polda X are determinant factors that increase the likelihood of ethical violations committed by police officers. This research can serve as a reflection for the Police to undertake cultural reform. The goal of cultural reform is to reduce the negative impact of institutional and social pressures that encourage ethical violations. Cultural reform does not mean completely replacing the system that has been built by the Police, but rather improving the implementation of policies that are still not optimal and often violate the code of ethics. This research provides indications to the Police institution that there are flaws in organizational management, leading to institutional and social pressures that cannot be resisted by Police members.

SUGGESTION

This research provides academic suggestions for future researchers and practical recommendations for police institutions. Future research can explore in greater depth the reform of organizational culture within police institutions. Empirical studies examining organizational culture reform can provide critical insights into changes in structure and communication patterns that influence member behavior. Future research should, as much as possible, integrate sociological, psychological, and organizational management perspectives to examine resistance mechanisms within institutions that use hierarchical structures. From the results of data collection and in-depth analysis, this research can also provide practical recommendations for the police, institutions, and society. First, the police must maintain their integrity even in a state of anomie. Limited access to achieving cultural goals does not mean that the police compromise their integrity. Second, the police institution needs to enhance supervision and refine its rigid hierarchical structure. Third, the community acts as an agent of social

control that can monitor police officers from the 'outside.' The role of the community is not explicitly stated in writing, but in reality, this research proves that the community can pressure the police to achieve cultural goals. In the end, this research provides ideas and suggestions for the Indonesian National Police to protect police officers from the abuse of authority by superiors, pressure from seniority culture, and social pressure that can undermine the dignity of the police themselves.

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The Police Authority in Granting Crowd Permit in The Makassar Port Police Area

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Ammar Athief^{1*}, Zulkifli Aspan², Ahsan Yunus³, Arini Nur Annisa⁴

¹²³⁴Faculty of Law, Hasanuddin University, Makassar City, Indonesia Email

Author 1: *ammarathief08@gmail.com

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Abstract

Makassar City as the largest city in Eastern Indonesia is known to have a high crime rate. On the other hand, the most common and often faced community dynamics in Makassar city is community mobility that triggers crowds. So as a preventive effort, the police have the authority to issue a crowd permit to regulate community activities. This research aims to analyze the regulations and mechanisms for granting crowd permits and to identify the methods of police supervision of crowd activities in the Makassar Port Police area. The type of research used is empirical juridical research. Data collection is done through interviews and observations. The technique of analyzing research data starts from data reduction, data presentation, to verification and conclusion drawing. The results showed that: (1) Regulations in granting crowd permits are regulated in Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police and several Field Guidelines of the National Police Chief. The mechanism for granting permits includes: First, the criteria for activities are given for activities with large masses. Second, the flow of services has been listed in the task guidelines with clear steps. (2) Supervision of crowd activities is carried out through open maintenance of public security and order by the Samapta Bhayangkara (Sabhara) unit and closed by the Intelligence and Security Unit and the Criminal Investigation Unit. Meanwhile, supervision of police members is carried out through control by police administrative staff, discipline enforcement by the Profession and Security Unit, and post-activity and periodic consolidation and evaluation once a year. Thus, the authority of the Police in granting crowd permits in the Makassar Port Police area has been running well, although there are still shortcomings in terms of supervision, especially time security and police availability to accompany crowd activities until completion.

Keywords: Public order, crowd permit, control of freedom

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INTRODUCTION

Constitutionally, the Indonesian National Police is an institution to maintain security and public order to protect, promote, serve the community and enforce the law. This is regulated in Article 30 (4) of the 1945 Constitution as the supreme law in Indonesia. In addition, another legal basis that regulates the police function in maintaining security and public order is Law Number 2 of 2002 on the Indonesian National Police. Article 2 states that: "*The function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, security, and service to the community*". Furthermore, it is explained in Article 5 paragraph (1) which states: "*The*

Indonesian National Police is a state instrument that plays a role in the maintenance of security and public order, law enforcement, protection, protection and service to the community in the context of maintaining internal security". Meanwhile, Article 13 explains that the main functions of the Indonesian National Police are: (1) maintaining security and public order; (2) enforcing the law; and (3) providing protection and services to the community. On this basis, members of the National Police must be professional in carrying out their duties and powers in the field of law enforcement. The professionalism of the police in carrying out its main task of maintaining public safety and order can be seen in its understanding and ability to control conflicts.

The occurrence of conflict in community life can be controlled when the law plays an active role as a social regulator (Aulina, 2019). In this case, the law functions to regulate human behavior that deviates from the rules of the law, so that the law can provide sanctions for violators. Human beings as legal subjects in the community certainly cannot be separated from their nature, namely that they can make mistakes that can harm themselves or others. In order to achieve order in society, the law must be enforced in order to achieve a safe and conducive society (Utami, 2020). Safety and order in society is achieved when the law is enforced by the right legal institutions, in this case the Indonesian National Police.

Members of the police force experience different dynamics related to community security and order in their respective work areas, one of which is in the city of Makassar. As the largest city in South Sulawesi and Eastern Indonesia, Makassar is known to have a relatively high crime rate. In 2023, the crime rate in Makassar City was recorded at 5,670 reports (Emilda, 2023). Violent crimes that often occur in urban areas such as Makassar City include: murder, burglary and robbery, rape, destruction of public facilities, persecution, and fights. In addition, the most common and frequently faced community dynamics in Makassar City is the mobility of people from one place to another, which triggers crowding. For example, crowded activities that take place at night can cause traffic jams, brawls, or other criminal acts. Likewise, crowded activities that take place in the open air can pose a risk of traffic accidents or fires, and from an environmental health and comfort perspective, can generate litter and noise. If left unchecked, the public's tendency to visit crowded places can lead to long-term conflict and crime in the community.

As a preventive and repressive measure, the police have the power to issue crowd permits. Prevention can mean removing the opportunity for a person or group of people to commit a crime (Januri *et al*, 2022). Meanwhile, repressive efforts are intended to take legal action based on the applicable criminal justice system (Martono *et al*, 2023). In general, crowd permits are issued to people who are going to hold activities that have the potential to attract a large number of people. This crowd permit is necessary to maintain an atmosphere that is conducive to all parties for the organiser of the activity. The smooth running of these activities cannot be separated from careful safety preparations. The peculiarities of crowd permits issued by the police compared to other types of permits issued by the government can be seen from the nature of the permit. If analyzed, a crowd permit has three characteristics, namely:

First, it is special or only issued for activities that can potentially cause crowds and disturb public safety and order. Second, it is temporary or only valid for a certain period of time, namely during the activity. And third, certain conditions must be met by the organizer of the activity. Meanwhile, permits issued by the government have three opposite characteristics, namely; First, general or various depending on the type of permit. For example: business permit, research permit, construction permits, and so on. Second, permanent or can be valid for a long period of time, even for life. And third, general conditional or permit can be given without any specific conditions.

Research on police authority or crowd permits has been studied by several researchers, two of which are: (1) Research by Saputro (2017), raised the issue in Negerikaton Subdistrict, which often holds individual entertainment and is accompanied by a crowd permit from the Negerikaton Sector Police. However, there are still many people who ignore the time limit during the entertainment due to the lack of optimal supervision by the Negerikaton Sector Police. (2) Research by Suryana (2022), analysing the problem of laws on handling demonstrations that are less adhered to in every implementation of public demonstrations, including those that occur in the jurisdiction of the Bali Regional Police of the Republic of Indonesia. There are often demonstrations that result in anarchist actions. While individual entertainment and rallies are two of the many activities that require a crowd permit.

On this basis, the granting of a crowd permit by the police is necessary by considering several things, including the benefits and risks that may arise (Latif, 2023). In this way, the police will be able to prepare the number of personnel needed, as well as facilities and infrastructure to anticipate the emergence of these risks. Based on this, this research will discuss the regulations and mechanisms for granting crowd permits in the Makassar Port Police area and the form of police supervision of crowd activities in the Makassar Port Police area. By understanding the existing regulations and mechanisms, this research aims to analyze the regulations and mechanisms for granting crowd permits and to identify the methods of police supervision of crowd activities in the Makassar Port Police area. It is hoped that this research can also contribute to the development of policies related to crowd permitting by the police at both local and national levels.

METHOD

The type of research used is empirical juridical research. Data collection is done through interviews and observations. The technique of analyzing research data starts from data reduction, data presentation, to verification and conclusion drawing. Determining the population and sample in a study is something that must be considered by the researcher with the intention of limiting the object and boundaries of the study. The population of this study is the jurisdiction of Makassar Port Police. The sample of this study, namely: (1) Head of Intelligence and Security Unit of Makassar Port Police, in this case represented by the Head of Service and Administration of Makassar Port Police Intelligence Unit; and, (2) Local people who know and have processed crowd permits at the Makassar Port Police office.

This research was conducted at the Makassar Port Police Office, Ujung Pandang Street Number 12, Bulogading Village, Ujung Pandang District, Makassar City.

RESULT AND DISCUSSION

Regulation and Mechanism of Issuing Crowd Permit in Makassar Port Police Area

The formation of regulations should be based on their effectiveness in society, considering sociological, philosophical, and juridical principles (Erwanto, 2024). In the same way, the regulation of the police authority in issuing crowd permits is also based on three considerations, namely:

Sociological basis

The sociological basis considers how regulations meet societal needs and address empirical facts about societal problems and needs. Research shows that crowd permits are essential for monitoring community activities in public spaces. This permit is not only an administration, but also a response to the complexity of social interactions in society (Sunantara *et al.*, 2021). It serves as a foundation that regulates and maintains the safety and order of the community, avoiding potential conflicts and dangers that may arise if social interactions are not properly regulated. Therefore, the safety and order of society as a whole is the main factor considered in the granting of a crowd permit.

Philosophical basis

The philosophical basis considers the worldview, awareness, and legal ideals rooted in Pancasila and the preamble of the 1945 Constitution (Sofwan *et al.*, 2022). Research indicates that the crowd permit serves an important role as a police authority grounded in strong ethical and moral considerations. In carrying out their duties to protect and control community activities and maintain public order, the police see the crowd permit as an instrument that not only regulates but also ensures that any activity takes place in accordance with upheld moral and ethical values. In this way, a crowd permit becomes an important foundation for ensuring that community activities run well and in accordance with established norms.

Juridical basis

The juridical basis ensures regulations address legal issues by considering existing rules, which may be amended or revoked to ensure legal certainty and public justice. The juridical element concerns legal issues related to the substance or material to be regulated so that a new regulation is formed (Yamani, 2024). Data from research informants indicates that the established legal basis provides a strong foundation for the police to issue crowd permits. In carrying out its duties, the intelligence and security unit refers to several legal bases, such as Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police as the main basis, and regulations of the National Police Chief, including field guidelines as a reinforcement of the main basis. By integrating these three principles, the police

will be able to make smarter, more effective and fairer decisions on crowd permitting. This will contribute to the creation of public order and safety and ensure the harmonious conduct of community activities.

The mechanism for granting a mass permit is seen through two indicators: activity criteria and service flow. Activity criteria are standards or measures used to assess the success of an activity. Activity criteria have significant benefits for the police when issuing crowd permits. They help the police to assess whether or not the crowd permit application meets the requirements, and they help the police to identify potential security and public order problems that may arise from an activity. the police to provide the security and order necessary for the smooth running of activities.

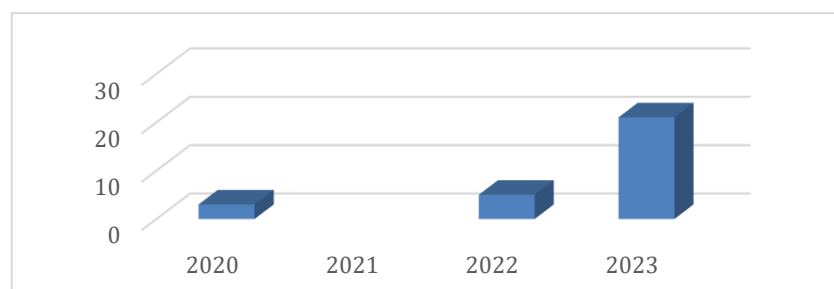
Easy and transparent access to information about the criteria for making a crowd permit for the community plays an important role in the smooth and safe crowd permitting procedure. Based on interviews with community informants, it is known that the process of making a crowd permit involves several steps that must be followed carefully. Starting from understanding the procedures provided by the venue owner or local government, to coordination with police agencies. Cooperation between the sector police and the resort police in ensuring the smoothness and security of the event is key in this process. Thus, a proper understanding of the crowd permit procedure will guarantee success in organizing an activity that involves many people.

Service flow is a description of the stages that must be passed by someone to get the service. A clear service flow can help ensure that services are provided consistently and in accordance with established standards. Excellent service delivery in the form of prompt, fair and quality service to the community will be one of the parameters used to determine the success of the work of the police institution (Mbiuwa *et al*, 2024). The service flow for making a crowd permit has been clearly regulated in the task implementation guidebook. The guideline presents a picture or scheme that visualizes the procedure for making a crowd permit, and lists the requirements that must be met by the applicant community. This demonstrates the importance of structured and detailed guidelines to ease the process of applying for a crowd permit and ensure that all requirements are appropriately met before the permit is granted. Thus, transparency and accuracy in the process of applying for a crowd permit can be guaranteed, thereby minimizing the potential for errors and increasing efficiency in service. The brief explanation of the system, mechanism and procedure for making a crowd permit is described as follows:

- a. The applicant submits a permit application to the Makassar Port Police Chief through the Head of Intelligence and Security Unit, attaching requirements such as: activity proposal, venue permit, recommendations from relevant agencies according to the nature of the activity, as well as recommendations from the local police sector.
- b. Upon receipt, the officer will record the applicant's identity and the nature of the activity;
- c. If the applicant's documents are declared complete, the permit application will be processed and if the results of the research show that the documents are incomplete, it will be returned to the applicant for completion;

- d. If there is any doubt about the results of the research, coordination with internal and external parties will be carried out;
- e. If no doubts are found and the application meets the requirements, a permit will be issued according to the applicant's needs.

The results suggest that the requirements for obtaining a crowd permit are relatively straightforward, so that event organizers can easily follow the established service flow to obtain a crowd permit. The relatively short processing time of two to three days also allows good planning of the event without too many delays. In fact, according to Ekadiyanto (2024), the difficulty that the public often faces in dealing with the police is the time it takes to apply, which makes most people reluctant to wait in line. This is helped by the friendliness of the officers on duty and the professionalism and competence of the police officers involved in the process. Not only do they provide a friendly service, but they are proactive in liaising with the organizers once the permit has been granted. When the attitude of police officers focuses on friendly and professional services, it will reduce community dissatisfaction, which is often caused by the emergence of negative interactions or assumptions when dealing with police officers (Wijaya *et al*, 2024). In addition, the fact that the crowd permit is free of charge is convenient and advantageous for organizers. Crowd permits issued by the Makassar Port Police can be seen in Figure 1.



(Data from the Intelligence and Security Unit of Makassar Port Police, 2024)

Figure 1 Graph of Crowd Permits Issued by the Makassar Port Police the Intelligence and Security Unit in 2020-2023.

Figure 1 shows the number of crowd permit issued by the Makassar Port Police the Intelligence and Security Unit has fluctuated over the past 4 years. In 2020, only 3 crowd permits were issued. This low number is due to the Covid-19 pandemic situation. As a result of this situation, all forms of crowd activity were not permitted as they had the potential to become a center for the spread of the virus. This situation continued in 2021, with not a single crowd permit issued by the Makassar Port Police. After the pandemic, more precisely in 2022, the processing of crowd permits by the municipality returned to stability with a total of 5 crowd permits. And increased in 2023 with a total of 21 crowd permits. As we all know, the order of people's lives changed during the Covid-19 pandemic, in an effort to fulfil human life as a human being, both individually and socially (Nuraeni & Hidayat, 2021).

Police Supervision in Granting a Crowd Permit in the Makassar Port Police Area

Supervision of crowd activities

Crowd activity supervision involves adjusting the number of security personnel based on the size of the activity. In this case, the Intelligence and Security Unit has a key role to play in providing comprehensive considerations, both in terms of intelligence and potential security risks. Intelligence and security units are crucial in providing leaders with updates on security conditions and public order. In this case, accurate data and analyses are needed so that all possible threats can be anticipated properly (Huliselan, 2023). This approach allows the management of crowd activities to be adapted to the circumstances and potential risks. This emphasises the importance of coordination between intelligence and security units and security personnel in carrying out the task of supporting and monitoring crowd activities to ensure the smooth and safe conduct of these activities.

Police institutions use two main forms of security: open and closed security. Open security, typically carried out by the Samapta Bhayangkara (Sabhara) unit, involves National Police members using official equipment and uniforms. This unit is an integral part of the police function, acting as the front line in the prevention of security and public order disturbances. By using official uniforms and clear equipment, this open security provides a visible presence to the public to create a sense of security and act as a 'deterrent' to potential perpetrators of crime or security breaches. The expectation is that people will think twice before committing illegal acts because they are aware of the consequences or risks. Meanwhile, closed security is the implementation of security carried out by members of the National Police without wearing official unit uniforms. This closed security is carried out by the Intelligence and Security Unit and the Criminal Investigation Unit. This unit plays a role in gathering information, analysing intelligence and dealing with crime and security disturbances. By conducting closed security, police officers can operate more flexibly without being detected by outsiders, allowing them to carry out reconnaissance, evidence collection, and law enforcement actions effectively. The presence of closed security personnel essentially has a dual function: one is to monitor the possibility of criminal activity during the activity, while the other functions as "a buddy system", that is, efforts to protect fellow police officers who are also performing open security or on duty in public spaces at the same time (Latifah, 2017). Both forms of security have an important role in maintaining security and public order. Open security provides a sense of security to the community directly with a visible presence, while closed security allows police officers to operate effectively in more complex prevention and law enforcement efforts.

Interviews with community informants indicate that police assistance during activities is generally well monitored, but there are supervision shortcomings, particularly in the resilience and availability of officers to see events through to completion. Firstly, the short duration of police assistance; the police often leave the site before the event is over, so that the security of the event is not fully guaranteed at critical times, such as when live music is taking place. Secondly, the lack of rapid response in the event of conflict. Conflicts between spectators occurred even though they could be resolved by the organising

committee, but there was no information on the police response to the conflict. Similar conditions were also described in the research by Arifin and Sukarni (2020), that the small number of police members of the Blora Police, who were also disproportionate to the number of spectators, made it difficult to control the clashes that occurred. So by the time the police get involved, the crowd is already injured. There is therefore a need for better supervision through increased coordination between event organisers and the police to ensure adequate police presence throughout the event. A consistent police presence from the beginning to the end of the event can provide a sense of security and prevent potential conflicts or similar incidents in the future.

Supervision of authorised officers

Supervising police officers in issuing crowd permits involves strategies like verifying officer accuracy and providing clear procedural instructions. In addition, the disciplinary aspect, in particular with regard to attendance, is the responsibility of the Profession and Security Unit. After the crowd activity, a follow-up is carried out through consolidation efforts and evaluation of the results of the activity, which is then reported to the top management, in this case the Chief of Makassar Port Police. Thus, the process of supervising and following up on crowd activities is carried out in a comprehensive and coordinated manner to ensure the effective implementation of tasks and the maintenance of public order. The administrative non-commissioned officer assists the Head of Intelligence and Security Unit with administrative affairs, ensuring proper regulation of the Security Intelligence Unit.

The Profession and Security Unit monitors the performance, professionalism, organizational culture, and reputation of the police, ensuring the proper execution of duties in line with organizational goals. In line with its main task, the results showed that the Makassar Port Police Profession and Security Unit routinely carries out supervisory activities in fulfilling working hours by taking attendance at the time of morning roll call which is routinely carried out every day, and controlling each function room, both in the service function and other functions, to ensure the presence and discipline of working hours of members.

After implementing security measures for crowd activities, a consolidation meeting is held. This activity is usually carried out in order to evaluate the results of the security of the public activities by presenting all the police officers involved in the security of the public activities. The purpose of the consolidation meeting after the activity is to find out whether the security of the activity has achieved its objectives, as well as to identify lessons learned in the field that need to be improved or taken into account in the implementation of the next security. The results of the consolidation meeting are then compiled into a written report addressed to the Makassar Port Police Chief as a form of accountability for the security of the crowd activities that have been carried out. The report contains at least some information, including:

1. Activity subject; contains a general description of an organized crowd activity. The subject of the activity can be in the form of the name of the activity, the theme of the activity and the purpose of the activity.

2. Activity facts; contains information that is objective and can be proven to be true about the crowd activity. This information may be in the form of data, statistics or observations. It is important to record and document the facts of this activity so that they can be used for evaluation purposes.
3. Activity analysis results; contains information related to the implementation of activities, both in terms of process and results. This information is used to evaluate the effectiveness and efficiency of the activities,
4. Prediction; contains an assessment of the likelihood that an event will occur in the future based on the facts of the activity. These predictions are used for various purposes such as: decision making to assess risks and opportunities and to develop strategies to deal with various threats and challenges.
5. Intelligence activities; includes the range of processes undertaken to collect, assess and analyze information to produce judgements about the activity.
6. Recommendations; contains suggestions or considerations that are clearly structured, concise and easy to understand, as well as realistic or feasible.

In essence, internal supervision of mass permitting services must be continuous and consistent, or carried out on an ongoing basis rather than at specific times. Ongoing supervision will help prevent noncompliance and ensure that service quality is maintained. Internal supervision should focus not only on finding mistakes, but also on reprimanding police officers who do not meet service standards. Similarly, officers who perform well should be rewarded. Last but not least, performance evaluation is also carried out in the service of crowd control by the police by measuring the implementation of service standard components, which is carried out at least once a year. This performance assessment is designed to: (1) ensure consistency in the application of crowd permit service standards; (2) identify areas for improvement to enhance service quality; (3) demonstrate accountability to the public for service performance. The intensity of the evaluation can also be carried out more than once, depending on the needs and situation. Sari *et al* (2024) also suggested that regular evaluation by police officers can help to identify weaknesses or successes in the policies and strategies implemented. By identifying shortcomings through performance evaluation and then improving them, the police can improve the quality of crowd control services. On the one hand, the public will have more confidence in the police if they see that the police are committed to providing quality services. In addition, performance evaluation can help prevent abuse of authority by officers in the process of issuing crowd permits.

CONCLUSION

Firstly, crowd permitting regulations are governed by Law Number 2 of 2002 on the National Police of the Republic of Indonesia, Criminal Law Article 510 on Public Crowds, and several National Police Chief Field Guidelines. The permitting mechanism includes activity criteria. Permits are issued for large crowd activities (religious, cultural, political, entertainment), with easily accessible and transparent criteria. Secondly, the service flow is clear and structured, as outlined in the task guidelines. Requirements are straightforward, and permits are issued within two to three working days. Supervision

of crowd activities is conducted by the Maintenance of Public Security and Order, with staffing levels adjusted to the activity scale and potential risks. Supervision is carried out openly by the Sabhara Unit and closed by the Intelligence and Security Unit and the Criminal Investigation Unit. The aim is to ensure compliance with crowd permit regulations, time limits, venue capacity and security standards. Decisive action is taken in the event of an infringement or security breach, although there are still shortcomings in terms of timeliness and support until the activity is completed. Supervision of Police members involves administrative control, disciplinary enforcement by the Professional and Security Unit, and post-activity consolidation and evaluation. Additionally, annual evaluations are conducted to maintain service quality and prevent abuse of authority. This research is limited to the analysis of one jurisdiction and therefore does not provide a comprehensive picture of police authority in the granting of crowd permits. Because of these limitations, this research suggests the need for further research to consider comparative aspects in terms of regions and to draw on more diverse data in order to gain a more comprehensive understanding.

SUGGESTION

First, there is a need for extensive socialization and educational efforts through various media and collaboration with related stakeholders. Collaboration between the police, community organizations, and government agencies will positively impact community security (Lubby, 2024). Abdi and Hashi (2024) argue that community cooperation with the police is very important because the community acts as the eyes and ears of the police. Second, preparing backup security groups is essential to respond to unexpected situations or changes during crowd activities. Regular training to improve police members' skills and knowledge, including simulation training on crowd handling, crowd control, and emergency response can help generalize the quality of police officers who will be deployed to the field. Moreover, ideally the police should not always focus on the use of force but rather organize effective conflict management strategies and methods (Emsing *et al*, 2024). Third, integrating and implementing online crowd permit services can improve efficiency, accessibility, and service quality, especially for island communities under the Makassar Port Police jurisdiction. Research by Zakaria *et al*. (2024) indicates that processing crowd permits through an Android-based application, as implemented at the Gorontalo City Police Station, provides convenience to the community. Practical steps that the police can take to implement the online permitting system can begin with working with application developers to create an online permitting platform that is user-friendly, secure and integrated with the police information system. In addition, the police need to establish clear and consistent procedures for each stage of the permitting process, from the submission of applications to the issuing of permit. Last but not least, an intensive public campaign should be conducted to introduce the online permitting system and the procedures for accessing it, including video tutorials.

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Integrated Justice System in an Unforeseen Contingency: Ensuring Compliance with Health Protocol in Bogor Regency

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Hafiz Prasetia Akbar^{1*}, Eva Achjani Zulfa², Surya Nita³

^{1,2,3}School of Strategic and Global Studies, Universitas Indonesia, Jakarta, Indonesia
Corresponding Email: *hafiz.prasetia@ui.ac.id

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Abstract

The government of West Java has applied discretion in interpreting the national disaster regulation through West Java Province Bylaw Number 5/2021. To ensure procedural justice for the society, the bylaw applies fines through a trial court of minor offenses against health protocols violators. The implementation of the bylaw is a manifestation of the theory of an integrated criminal justice system, which, to date, has only been carried out independently. However, in this case, there is an integration in achieving an objective of law enforcement, that is, the prevention of the spread of the pandemic. Thus, this study examines the implementation of the Bylaw involving Indonesian National Police and Civil Service Police in regulating the health protocol. This research uses descriptive qualitative methodology involving triangulation, literature reviews, interviews, and case studies. The results reveal that an integrated judicial system has been implemented and met its objective in ensuring public compliance to health protocols. Yet, a number of issues persists, including using quantitative performance metrics in identifying the target offenders, outdated paperwork methods, teleconferencing judicial processes that are hindered by the existing constitution, and dilemma in either imposing heavy fines or light fines in a society hit hard by an unseen contingency.

Keywords: bylaw, disaster management, health protocol compliance, integrated justice system, procedural justice

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INTRODUCTION

The Coronavirus Disease 2019 (COVID-19) pandemic is a condition that no person or nation in the world has ever anticipated, necessitating swift and appropriate government action. The best method to prevent the spread of COVID-19, according to global health experts, is to adopt healthy lifestyles and limit community activities. Primary public health strategies have emphasized non-pharmaceutical interventions (NPIs) in the early stages of addressing the COVID-19 pandemic. This has involved the strict implementation of physical distancing protocols, movement limitations, and lockdowns (Bayuna, Suasti & Syahputra, 2024). However, restrictions on community activities in the form of recommendations to maintain physical distance and prohibitions on social activities have caused disorder in society due to the unusual and sudden enforcement of these restrictions (Viner, et al., 2020). Research by McCarthy, et al. (2021) found that individuals react negatively to freedom restrictions, such

as wearing masks and maintaining a distance. However, disobedient individuals can be dealt with appropriately if the police institution prioritises procedural justice when enforcing health protocols. This is because the community desires police presence to enforce health protocols. It is also acknowledged that informing the public about the health risks police officers encounter during this pandemic can increase community support for law enforcement (Nix, Ivanov, & Pickett, 2021).

In March 2020, when the COVID-19 pandemic broke out in Indonesia, the government enacted Government Regulation No. 21/2020 regarding Large-Scale Social Restrictions or *Pembatasan Sosial Berskala Besar* (PSBB) in the Context of Accelerating COVID-19 Control. The continued spread of Covid-19 can trigger and worsen various socio-economic problems. Compliance and discipline in implementing health protocols are key to handling Covid-19 (Iswidodo, Firmanto, & Amin, 2021) Many parties, however, questioned the success of this PSBB based on its implementation and outcomes. After four months of implementation, there were 130,718 COVID-19 positive cases in Indonesia on August 12, 2020, with 5,903 deaths (BNPB, 2020). Andriani (2020) stated that the Indonesian government faced a dilemma in implementing the PSBB because the majority of Indonesians, who labour in the informal sector, were unable to implement one of the PSBB's clauses, namely work from home. Abhiyasa (2021) stated that the implementation of lockdown to combat the coronavirus could lead to a global food crisis. Therefore, when the second spike in COVID-19 cases occurred in Indonesia in January 2021, the Indonesian government decided to abandon the PSBB policy in favour of Imposing Restrictions on Community Activities or *Pemberlakuan Pembatasan Kegiatan Masyarakat* (PPKM). Significant differences exist between PPKM and PSBB. In PPKM, all policies are regulated from the central government to regional administrations, whereas in PSBB, the approach is from the bottom up. Therefore, Minister of Home Affairs Instruction No. 15/2021 stipulates that Regional Heads who fail to implement the provisions referenced in this instruction will face administrative sanctions ranging from two written warnings to provisional dismissal.

This instruction was a major pressure for regional leaders who have a large COVID-19 presence, one of which being West Java Province. West Java Province has the most residents in Indonesia; there are 4.575 positive cases every day in West Java, with Bogor Regency accounting for more than a quarter of these (1.478 cases) (Pikobar, 2021). The COVID-19 Task Force in West Java was spurred by this situation to follow up on the central government's policy on the deployment of Emergency PPKM to break the chain of spread of COVID-19 in West Java. Problems emerge when the existing legislation that can enforce the law during a pandemic, notably Law No. 4/1984 about Infectious Disease Outbreaks and Law No. 6/2018 concerning Health Quarantine, do not clearly establish legal punishments for violators of health protocols. In response to this issue, the Law of the Republic of Indonesia No. 30/2014 on Government Administration has provided a solution for Government Officials to apply discretion in taking action to support the smooth implementation of Government policy as long as they provide public benefits.

According to Soesilo (1984), discretion can be divided into three distinct classifications. The first is the administrative discretion employed by local governments in interpreting and enforcing central government regulations while taking into account current conditions and local wisdom. The second is law enforcement's discretion in utilising limited available resources to achieve optimal impact, sometimes known as selective enforcement. Police agencies have a series of regulations that determine techniques and tactics in enforcing the law, but these rules cannot regulate all phenomena that occur in the field, so most actions taken by officers must rely on their personal judgement. Last is the judge's discretion in rendering a verdict in a given case. The judge's decision will allude to the section of the law or regulation that establishes the threat of punishment, if that section already contains guidelines that can be used as a benchmark for the minimum or maximum sentence for a violation of the law. However, when rendering a definitive decision, the judge may use his discretion or discretionary authority to assess a decision that is fair, certain, and advantageous to the accused lawbreaker (Harefa, 2020).

Departing from the discretionary authority given to government administration, the West Java COVID-19 Task Force decided to implement West Java Province Bylaw No. 5/2021 concerning Amendments to West Java Province Bylaw No. 13/2018 concerning the Implementation of Peace, Public Order and Public Protection. A bylaw, or Regional Regulation, gives each autonomous region's Regional Government the power to administer and enforce their own law in accordance with the local wisdom and characteristics of each region (Abdullah, 2005, p. 151). In implementing this bylaw, the government tries to ensure compliance with the health protocol by categorising disobedience as "violation" or minor offences as stipulated in Article 205(1) of the Criminal Procedure Code, with the aim of increasing the severity of sanctions as an effective way to enforce compliance (Raharjo, 2010, p. 189).

Minor crimes (*Tipiring*) are prohibited acts that do not pose a significant threat to public order or violate the human rights of others (trivial case). The purpose of establishing the Minor Criminal Acts Examination Procedure is to examine cases with simplified procedures in accordance with Chapter XVI (examination at judicial sessions), Section 6 (quick examination procedures), Paragraph 1: Procedure for examining minor offences. Research by Kusuma, et al. (2021) demonstrates the success of Batu City's implementation of Regional Regulation by implementing monetary sanctions to those who violate health protocol. It has been executed in accordance with the applicable laws and regulations in a measurable and proportional manner. In addition, it has a positive value because of its deterrent effect and because violators cannot profit from it.

Referring to Friedman's (2018) theory of law enforcement, the law has a function of social control in which it supervises and regulates the social environment in the public sphere. It also involves driving individuals to want to comply with the law. If a person or group disobeys or violates a law that has been agreed upon and established, that person or group will receive sanctions as a form of response to behaviour that deviates from the social order. In numerous psychological studies on behaviour

modification, it is stated that law enforcement will administer punishment to offenders. Punishment is one of several mechanisms used to increase desired behaviour and decrease undesirable behaviour (Gaza, 2012, p. 17). Punishment in the form of sanctions is intended to restore the social order's equilibrium when it has been disturbed by rule violations. The purpose purpose of sanctions is to prevent deviations or violations of social norms. Individuals who intend to deviate from the norm should avoid this prospect of punishment because it will result in their own suffering. (Kelana, 2014, p. 139). Jeremy Bentham, a philosopher who discovered utilitarianism, stated that the purpose of law and the real form of justice is the greatest happiness for the greatest number (Latipulhayat, 2015). As a result, the law pertains to everyone and affects the interests of numerous individuals and groups, not just a select few (Huijibers, 1984), In this case, despite the unconventional and coercive nature of the health protocol requiring individuals to wear masks, it is necessary to safeguard the rights of others to live a healthy life free from the risk of disease transmission.

Moreover, according to Gustav Radbruch (1978), there are three essential legal values that must be fulfilled: justice, certainty, and expediency. However, these three values have the potential to conflict with one another due to their contradictory components. There are times when the value of certainty conflicts with the value of benefits, such as when the law must be enforced despite causing more harm than good, or when the value of benefits conflicts with the value of justice, such as when the benefits provided are not equally equitable to all individuals who receive them. Tom Tyler sparked a Theory of Procedural Justice by assuring the achievement of the three fundamental legal values. According to Tyler (1988), procedural justice is the framework that law enforcement officials need to regard society as legal subjects in a fair and procedural manner.

Procedural enforcement of West Java Province Bylaw No. 5/2021 combines the role of the Indonesian National Police (Polri) as the spearhead of law enforcement during a pandemic, bolstered by the Civil Service Police (Satpol PP) as an assistant in carrying out policing functions in accordance with Article 3 of Law No. 2/2002 concerning the Indonesian National Police. Thus, Civil Service Police are authorised to perform policing duties in the technical field of regional administration and to serve as civilian investigators of regional laws. Wardhana (2020) discovered an overlapping situation between the INP and Civil Service Police in COVID-19 enforcement, but it has been temporarily ignored due to the contingency situation that is deemed more important to address for the sake of public safety, particularly in highly COVID-19-exposed areas like Bogor Regency. Based on data from the COVID-19 Task Force on 13 June 2021, Bogor Regency is the area with the lowest compliance with wearing masks in West Java, with a compliance rate of 48,14%, and the lowest compliance with maintaining a safe distance, with a compliance rate of 58,54% (Satgas COVID-19, 2021).



Figure 1. Mask Usage Compliance Rate at the City/Regency Level in West Java (Satgas COVID-19, 2021)

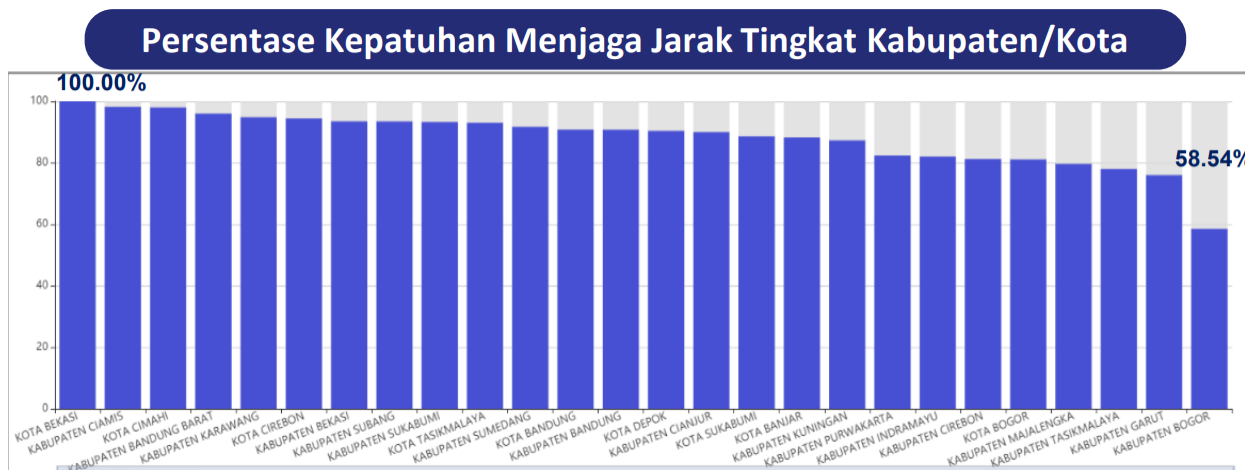


Figure 2. Social Distancing Compliance Rate at the City/Region Level in West Java (Satgas COVID-19, 2021)

Thus, this paper will explore the mechanism of COVID-19 health protocol enforcement as well as the challenges encountered in the Bogor Regency, and can therefore serve as a reference for law enforcement in times of social and health crises. This research also intends fill the gap in the literature regarding the use of local regulations as a tool for law enforcement and provide an analysis of the complications that arise when the use of the law conflicts with community compliance. Until now, the discourse on the discretion of law enforcement officers has only centered on the discretion in Article 18 of Law No. 2/2002, with a narrative of discretion that is always the same, namely “Police officers exercise discretion by diverting traffic in the opposite direction to alleviate congestion” (see Said, 2012; Priyantoko, 2016; Suparman, 2020). Though this is an example of proper discretion, it gave the impression that the discourse on discretion has no other form. Therefore, this research is novel or novel in its expansion of the concept of discretion, which is not only utilised by police officers in Indonesia,

but also possessed by all member of the criminal justice system. The government may work together with religious leaders, traditional leaders, police officers, and/or Indonesian National Armed Forces to make voluntary plus mandated quarantine successful (Setiati & Azwar, 2020)

While this study only focuses on one specific jurisdiction in Indonesia, it could reveal transferable insights into how the criminal justice system functions in the country, which has a unitary legal system based on centralized police, attorneys, and courts. Moreover, although bylaws signify the regional autonomy of provinces and cities/regencies in Indonesia, their authority is nonetheless bound by the structure of the Indonesian hierarchical legal system as delineated by Kelsen's model (Suhenriko, 2023). Consequently, the application of bylaws is intrinsically uniform, at least to some degree, both procedurally and contextually. The bylaw in focus, although applicable just in West Java, has parallel provisions in other provinces, as the COVID-19 pandemic constitutes an unforeseen contingency encountered by all regions in Indonesia. As a result, this research aims to conduct a descriptive analysis of compliance enforcement during disasters and contingencies by examining the role of regulatory implementation as a case study to elucidate broader patterns within Indonesia's criminal justice and sociolegal context.

METHOD

This study employs qualitative methods to collect in-depth data and opinions from research participants. Qualitative research can collect subjective information obtained by researchers; therefore, researchers must collect data from multiple sources so that it can be triangulated and analysed to explain phenomena in a general, comprehensive, and holistic manner (Creswell, 2016, p. 46). The study began with a literature review of COVID-19, law enforcement during the pandemics, and the criminal justice system role in the trial court of minor. The researcher then investigates legal sources in the form of statutes, decrees, and legal scholars' opinions, as well as legal studies. The researchers concluded by conducting open interviews with the Bogor District Civil Service Police, the General Duty and Criminal Investigation Unit of the Bogor Police Department, the Bogor Prosecutor's Office, and the Class 1A District Court in Cibinong.

After the data has been collected, it will be reduced by creating summaries, coding, tracing themes, forming clusters, composing memos, etc., in order to eliminate irrelevant data/information so that it can be presented as narrative text, diagrams, tables, and charts. In order to obtain a more precise comprehension, the data were examined and briefly questioned in the field notes in order to complete the review. Sugiyono (2015) added that research data must undergo validation to ensure its accuracy and reliability. This study utilized three validation strategies to ensure precision: confirmability to guarantee that data and findings remain unaffected by bias, transformability to ensure that findings are relevant in various contexts, and triangulation to cross-verify data through multiple sources and methods. Lastly, this research is limited to case studies of the implementation of West Java Province Bylaw No. 5/2021 as a tool for law enforcement against COVID-19 health protocol violators. It is known

that the implementation period of this Bylaw only lasts two months, thus, approaching this research using a case study can provide in-depth knowledge about the what, who, where, why, and how of this Bylaw's implementation.

RESULTS AND DISCUSSION

This research is conducted in Bogor Regency, which has an area of 2.988,20 km² and a population of 5.427.068 people. The majority of the population live in areas bordering Bogor City, Bekasi City and South Tangerang City. Meanwhile, the interior areas in the eastern and western parts of Bogor Regency are more dominated by hills and mountains which are tourist destinations on weekends and national holidays. This density has an influence on the spread of COVID-19 in Bogor Regency. Where after three months of the COVID-19 pandemic, the majority of areas that have become red zones (zones with active positive cases) are districts that have high population density. This is because most of these areas are commuters with higher mobility than fringe areas who work as subsistence farmers.

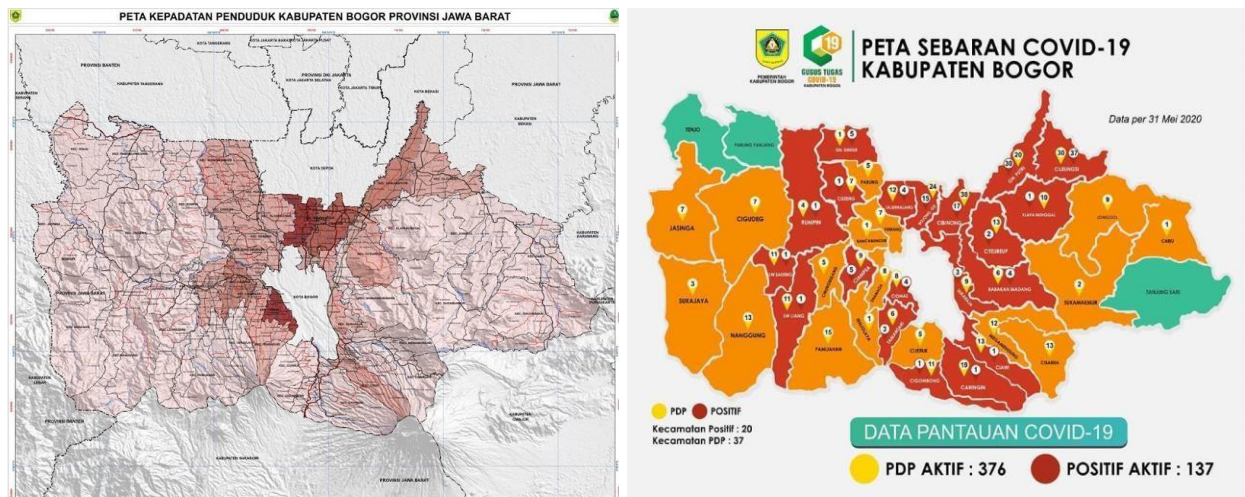


Figure 3. Map of Bogor Regency Comparing Population Density and COVID-19 Confirmed Cases as of May 31, 2020 (Satgas COVID-19, 2021)

In Bogor Regency, the criminal justice system is comprised of numerous institutions: Bogor Police Department (Polres Bogor) and Bogor Regency Civil Service Police as detectives and civilian investigators respectively, Bogor District Attorney as public prosecutor, Class IA District Court as judicial court, as well as Class IIA Cibinong Penitentiary and Class IIA Gunung Sindur Special Penitentiary serving correctional functions. The Bogor Police Department formed 6 (six) Task Force to follow up on the Telegram number: ST/2756/IX/Ops.2./2020 from the Chief of Police about Operation Aman Nusa II. Officers from Task Force II (Prevention) had the discretion to take action against health protocol violators, including push-up punishment, community service, and activities such as spending the night at a cemetery, due to the extremely low public compliance and awareness of the protocol (Cahyana, 2020). Coupled with the worsening spread of the COVID-19 pandemic caused by the Delta

variant, on March 15, 2021, the Governor of West Java issued Province Bylaw No. 5/2021.

The prosecution of individuals who violate health protocol is a coordinated effort involving all components of the criminal justice system. This joint operation is conducted routinely every day, beginning with patrols to search for health protocol violations involving masses or business actors. If a violation is found, the investigator will conduct a trial of minor offence examination, and the violator will be ordered to appear in court at a specified time. Then, during the trial, the suspect will appear before the court for a quick trial, at which time the court will decide on the offender's sentence and sanctions in accordance with West Java Province Bylaw No. 5/2021. The offender is then required to pay a fine to the District Attorney's Office, where it will be transferred to the state treasury. This Covid-19 era requires the bureaucracy to optimize the use of technology, information and communication in all matters in the government sector (Taufik & Warsono, 2020) In addition, the Bogor Police Department reported the results to the West Java Provincial Police, which ranked each department based on the number of trials conducted and the number of fines collected from individuals and businesses.

Screening of Health Protocol Violator

Task Force II Patrol Team received input from Task Force I (Detection) regarding locations susceptible to the spread of COVID-19 as well as reports from the public via the National Police 110 call centre regarding the presence of masses in determining the location for the target operation. As, the size of the Bogor Regency makes it challenging for Task Force II officials to enforce health protocols in all areas. In response, law enforcement officials have discretionary authority in the form of selective enforcement in order to maximize results with limited resources (White & Perrone, 1997). Determining the location of the justice patrol's targets is a form of discretionary selective enforcement, as the limited number of patrol officers cannot carry out enforcement in every corner of Bogor Regency. Typically, the Task Force conducts three joint patrols every day, beginning at 10:00 AM during peak morning rush hour, 15:00 PM during the height of afternoon activity, and 21:00 PM to enforce night curfew. Nevertheless, a single joint-patrol activity can only reach one of Bogor's 41 District, with each Police Sector conducts a smaller-scale patrol within its jurisdiction. Therefore, the commander of the General Duty Unit, as the leader of Task Force II, must exercise the utmost discretion when designating patrol objectives to prevent crime displacement, in which offenders avoid areas the Task Force intends to patrol on a given day.

Collazos, et al. (2021) hypothesized that crime or offence displacement could be resolved by integrating horizontal and vertical level patrol and surveillance. However, Task Force II only conducts patrols as a formality in order to meet daily objectives. During an interview, the commander of the General Duty Police admitted the leadership's quantitative performance indicator targets prevented Task Force II from employing selective enforcement discretion to target the most dangerous offenders, rather than focusing on the areas closest to the Police Department and the same target on every patrol in order to reach the target number. As a result, there was no coordination between the regency and district patrol

teams, so some areas were never even visited by law enforcement. It is known that quantitative performance indicators have a negative impact on police-community relations and the ability of officers to carry out their duties effectively. It is also plausible that public tolerance may reach a breaking point, resulting in more open hostility towards the police, as officers are forced to compete for the most arrests without considering the enforcement's effect on society (Murray, 2014). Therefore, in every patrol, the Task Force II lacks a priority scale and appears to be "looking around" just to get the patrol over with.

Before the enforcement of the bylaw, Abdi (2020) suggested that Task Force II's actions were deemed excessive and did not serve as a deterrent to the community at the beginning of PPKM implementation. Due to the absence of a set of legal parameters governing the assigned punishment, interpretation for officers may violate the provisions of the Convention against Torture, which was approved by the General Assembly of the United Nations. In the end, law enforcement of health protocols provided by the bylaw through fines had a greater impact on public compliance than the application of sanctions without a legal foundation, such as push-ups, social work, and unconventional sanctions, such as spending the night in a cemetery. This is due to the fact that the cost of perpetrating a violation is not proportional to the benefits obtained, namely crowding, so customers will think twice about violating the health protocol (Durlauf & Nagin, 2011).

With fines as a deterrent to violations, early presumption of Police Contact perpetually confrontational, as the officer is presumed to enforce the law with force, with the impending anxiety of a punishment outcome following the police confrontation (Quinton, 2011). Thus, the first contact between a police officer and an alleged offender is always preceded by suspicion or the principle of presumption of guilt, where a police officer's instinct compels him to evaluate the suspect as a possible violator. However, in the case of PPKM patrols in Bogor Regency, where legal subjects are treated fairly and in accordance with procedure, both offenders and the innocent view Task Force II as legal entities that have control over law enforcement and regard the civilian with respect. Interviews with the Head of Operational Affairs of the General Duty Unit and the Commander of the Civil Service Police Company revealed that no resistance is encountered during the enforcement of the Bylaw. Alluding to Tyler's (1988) idea that a person who is treated fairly and in accordance with procedure is more likely to comply with any decision made by law enforcement, even if the decision is against him.

Rapid Examination of Health Protocol Violation

When the patrol team encounters health protocol violators, these individuals will be brought before the Civil Service Police Civilian Investigator serving as Task Force VI (Enforcement) to investigate minor criminal acts. Rapid examination is conducted by filling out a minor crime document comprised of five layers of color-coded sheets according to their designation. In reality, however, the Bogor Regency Civil Service Police could not conduct investigations into provincial governor-drafted bylaws. This is because in Government Regulation No. 16/2018 concerning Civil Service Police, the Provincial Civil Service Police is accountable to the Governor, whereas the City/Regency Civil Service

Police is accountable to the Mayor/Regent. Therefore, there is a void in the jurisdiction where the legal substance to be upheld lacks a valid legal structure. As a means of resolving this issue, the National Police, whose detectives can also examine certain bylaws, have to step in to fill the jurisdictional void left by the absence of this authority.

The day-to-day implementation of criminal justice in Indonesia is not yet integrated as each legal structure remains focused on its primary function without ensuring continuity throughout the entire judicial process (Muladi, 1995). For instance, the detective or investigator is tasked with conducting investigations and compiling case files, but after transferring the files to the prosecutor's office, the detective's role appears to end. Similarly, the court's role begins only when there is a prosecution, not during the initial investigation, unless for the approval for certain coercive measures, such as confiscation and search warrant. This study found, however, that the application of West Java Province Number 5/2021 has demonstrated that the criminal justice system in Indonesia can also be administered in an integrated manner, where each component of the legal structure cooperates in assisting and monitoring the primary responsibilities of the others. Like this example, the Bogor Police Department's detective was able to complete the gaps in the legal structure created when the Civil Service Police was unable to perform its investigation duties due to differences in jurisdiction. In this instance, the leaders of Bogor Regency were able to find a solution by collaborating on the implementation of an integrated criminal justice system that was approved by all agencies comprising the legal system.

Though technical problems are still found in rapid examination and courts of minor offence. Members of the Task Force VI and judges during trials have been burdened by the manual use of rapid examination sheet because the material used cannot be read on the judge's copy sheet. This may appear to be a minor issue, but it is detrimental because the detectives who conducted the field examination were largely unable to attend the trial due to the demands of their main daily responsibilities. As a result, the prosecution was handled by other detectives who were not present when the violation occurred. Both the judge and detectives who were interviewed confessed that they had to release more than half of the defendants because neither could identify the alleged infraction. After the Task Force VI conduct a rapid examination, the detective seizes the offender's identity in the form of an identification card, driver's license, or other form of identification. The violator is then given the red sheet to bring to the court for the minor offence.

Trial for Minor Offense

The trial for health protocol violators were attended by a single judge and a secretary from the Cibinong Class IA District Court, detectives acting as public prosecutors, and members of the Bogor District Prosecutor's Office serving as fine executors. Unfortunately, due to the accelerating spread of the COVID-19 cases, The Minister of Home Affairs released Instruction No. 15/2021 concerning PPKM that mandates key government sectors who offer public services may only employ a maximum of 25% office staff. Sirait (2021) also reported that the Cibinong Class IA District Court has experienced a large

outbreak of COVID-19 among its staff, necessitating a lockdown and the district court being strictly quarantined off limits. As a result, the three members of Bogor Regency integrated criminal justice system decided to hold virtual trials in accordance with Supreme Court Regulation No. 4/2020 on Administration of Criminal Case Trials in Electronic Courts, as the Cibinong Class IA District Court has used teleconference technology successfully in past criminal trials. It is also convenient for defendants who reside far from the District Court in Cibinong, as trials are agreed to be held in the nearest Police Sectors within each District.

Using the rapid examination method to enforce health protocol infractions has accelerated and reduced the workload of investigators. This is due to the fact that, unlike in conventional case investigations, investigators are only required to complete out an examination form. In addition, the trial of minor offences using an online mechanism has brought about a number of advantages. First, trials can be held swiftly and with certainty to demonstrate to the public that health protocol regulations are governed by legal certainty. Both trials were conducted efficiently because out-of-town defendants did not have to travel a great distance to the courthouse, but rather to the nearest Police Sector. The virtual trial demonstrates to the public that health protocol regulations will be enforced even during a state of confinement and employee restrictions.

However, there is an issue on the legitimacy of the court, as the Indonesian Criminal Code Procedure clearly specifies that it is necessary for the defendants to appear before the court and its apparatus. There is ongoing debate, however, regarding whether “appear” refers to a physical or could also be virtual appearance (Ardhiansyah, 2021). This questions the legitimacy teleconference trials as there are currently no regulations that can interpret electronic presence as equivalent to physical presence. While Supreme Court Regulation No. 4/2020 regulates teleconferencing for judicial criminal matters, it has not yet regulated proceedings with other procedures such as civil court, state administration court and rapid procedural examinations used to enforce bylaws. As a consequence, the trial for enforcing West Java Province Bylaw 5/2021 was unable to utilise the e-litigation system, which can actually ensure transparency and efficiency in the course of proceedings and payment of decisions (Narassati, Pamungkas, & Elthania, 2021). The judge interviewed even stated, “...*luckily enough, it has not crossed the defendant’s mind to bring this matter (virtual court) to the Supreme Court*”.

The Imposition of Sanctions for Health Protocol Offenders

The judge's decision for the violator is based on the penalties stipulated in West Java Province Bylaw No. 5/2021, which is formulated to be very costly on the basis of high social costs if exposed to COVID-19 and the aim of modifying human behaviour so that individuals think rationally about high fines. In formulating fines in the form of effective violation tickets, Sun (2011) along with Hummel (2015) argue that fines must make violators aware that there are social costs in violating these rules, can remind the public continuously that the regulations it is required to obey, and is implemented based on the assumption that people tend to disregard the existing rules.

The government of West Java specifies a hefty fine for the violation of health protocols: a minimum of Rp. 5.000.000 (\$340) and a maximum of Rp. 50.000.000 (\$3,400). In practise, however, most of the violators who were stopped and brought to trial were impoverished individuals who held their gatherings in food stalls rather than upscale restaurants. The judge interviewed felt that even the bylaw's minimum penalty could be equivalent to or greater than the violator's monthly income. Therefore, the District Court judges had the discretion to reduce the punishment for individual offenders and food stall owners to less than 100.000 rupiah, but they did not reduce the fine for factories and offices. In order to guarantee legal justice, the judge has deviated from statutory provisions by imposing fines below the minimum limit. As the adoption of this discretion is a manifestation of the conflict between the three legal values, where adhering to legal certainty has injured legal justice for society (Radbruch, 1978). This can be seen in cases in other West Java jurisdictions where the District Court did not exercise discretion in imposing a fine lower than the statute, such as the case of an impoverished porridge vendor in Tasikmalaya City who was imprisoned because he could not pay even the Rp. 5.000.000 (\$340) minimum fine (Nugraha, 2021). On the other hand, employing discretion to reduce the fine below the minimum limit also results in a lack of clear guidelines for how much the penalty for health protocol violations should be.



Figure 4. Number of Fines Averaged for Individual Health Protocol Violations in Rupiah
(Compiled by the Researchers, 2022)

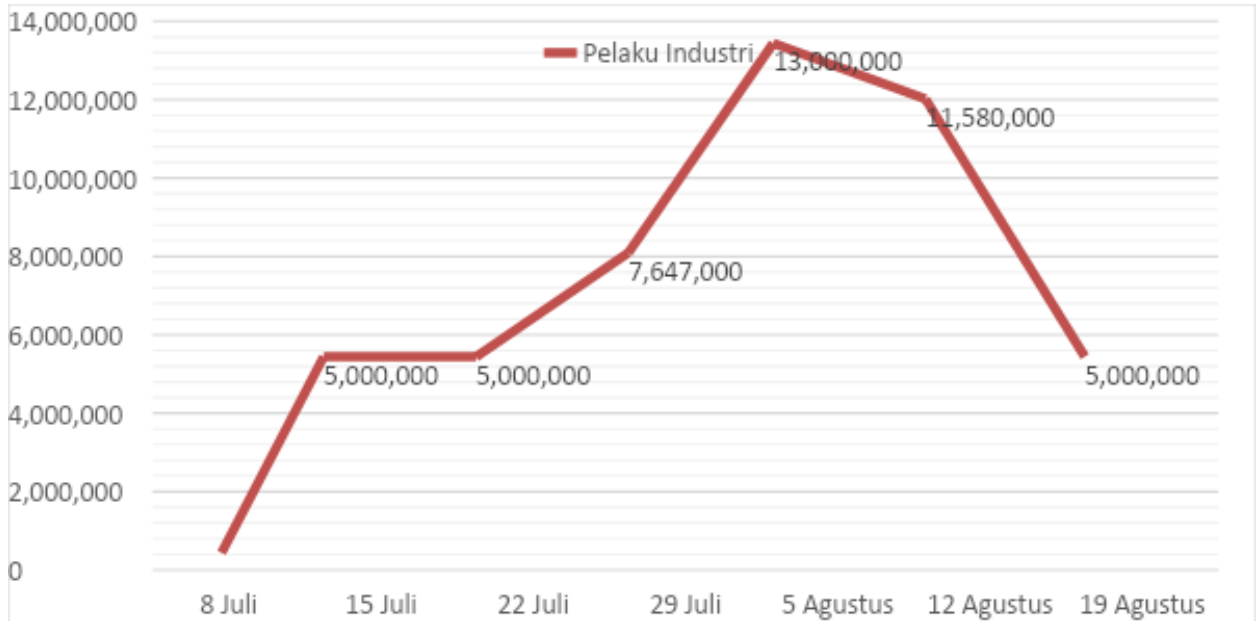


Figure 5. Number of Fines Averaged for Industries and Business Health Protocol Violations in Rupiah (Compiled by the Researchers, 2022)

According to the data collected and analysed by the researcher concerning the average verdict for penalties of individual and corporate health protocol violations, the average verdict varies from week to week. In an interview with one of the judges, he stated, *“Every day the economic situation of the people worsens, but every week the Bogor Regent grants operational privileges to business actors, so it is ‘outrageous’ if they continue to commit violations”*. The absence of agreed guidelines in regulating discretionary power has created disparities in the judge's decisions (Zulfa, 2011, p. 305). As well as in using discretion to decide fines, judges are in a dilemma position; between having to choose between imposing high fines to ensure compliance but injuring the people’s economy, or imposing low fines for the benefit of society but not achieving compliance with these regulations. This happens because it is based on the theory of rational action (Cornish & Clarke, 2014), a person can be prevented from hurting others by establishing punishments for certain actions. With these two theories, Durlauf & Nagin (2011) expect potential offenders to compare the expected benefits of committing the crime with the benefits of not committing the crime. So, the application of severe punishment hypothesizes that if law enforcement increases the cost of committing a crime drastically, then people will not commit a crime. A similar failure occurred in the regulation of waste disposal in Poland. According to Rohlf, regulations on waste disposal in Poland have failed because fines for pollution to factories amount to only a fraction of the cost of treating the waste, which makes it much cheaper for companies to pay only the penalties for pollution (Rohlf, 1990, p. 105). As a result, reducing the sanctions for individuals leads to an increase in health protocol violations, as the penalties become more manageable. According to the Head of Operational Affairs for the Criminal Investigation Unit, *“when the judge began issuing smaller fines,*

the number of violators increased, perhaps because their profit from opening was greater than the minuscule fine”.

Following the judge's decision, the violator pays the fine to the prosecutor's office as the executor, and the prosecutor issues a receipt as proof of payment, along with the confiscated identity card. In accordance with the Attorney General of Indonesia's Circular Letter No. SE-009/JA/9/1983, the District Attorney's officer tasked with accepting payment of penalty fines in this bylaw is appointed by the Head of the Bogor District Attorney's Office. Executors of fines who are in charge of depositing fine proceeds may also request that the Regent provide premiums to law enforcement officials in order to provide incentives for law enforcement officers who have been active in enforcing sentences and contributing to state revenues. As a form of accountability and checks and balances amongst law enforcement authorities, the fine procedure concludes with the executor making a report of the execution of the fine, and forwarding it to all elements of the Bogor Regency integrated criminal justice system.

CONCLUSION

In the past, the concept of an integrated criminal justice system in Indonesia has not been fully achieved, as each law enforcement agency, namely the Police, the Prosecutor's Office, and the Courts, has frequently acted independently with its own particular objectives. In the case study of the implementation of West Java Province Bylaw No. 5/2021, however, it was demonstrated that law enforcement components can work together to administer an integrated criminal justice system with a single objective: increasing public compliance regarding health protocols and preventing the spread of COVID-19 from social activities. From the beginning of the detection process, through examinations, trials, and the imposition of penalties for health protocol violators, the integrated criminal justice system is implemented with the continuity of the all the criminal justice system agencies. This coherence has been instrumental in achieving the objective of implementing West Java Province Bylaw No. 5/2021, but with due regard for the legal due process guaranteed by checks and balances in each agency's process. Therefore, it is suggested that other criminal courts follow the manner of implementing this regional regulation by expanding the extent of coordination and collaboration from the Provincial/City/Regional Leaders Forum to law enforcement institutions nationwide. With a system of checks and balances between agencies, the ultimate goal is for law enforcement in Indonesia to work towards a single, completely coordinated endeavour.

SUGGESTION

In response to the impediments encountered in Bogor Regency during the implementation of West Java Province Bylaw No. 5/2021, the author made several recommendations. First, to enhance vertical coordination between regency and district patrol teams, as well as horizontal coordination with patrol teams from other regency or provincial jurisdictions, in order to prevent the displacement of health protocol violators. In addition, it is essential not to implement quantitative performance indicators

because doing so would compromise the discretionary priority standards of patrols. While it is suggested that qualitative standards be applied so that the patrol team can enforce health protocols on more dangerous targets with the greatest potential to disseminate COVID-19. Second, the Provincial Government must issue a directive regarding the application of provincial bylaw by the Regency Civil Service Police. In order to increase the number of investigators who can enforce the bylaw, it is also necessary to grant certification to uniformed police officers as detectives for minor offence. Third is to implement the digitalization of the examination system for minor offences and traffic offenders in order to eliminate the need for physical examination documents, which have proved to present quite a number of shortcomings. Fourth, the establishment of clear statutes that accommodate teleconference trials so that trials can be conducted with clear legal validity and without ambiguities. In addition to establishing rules for the use of e-court and e-litigation systems for expedited trial proceedings in order to assure public transparency. Lastly, providing a guideline that may guide and regulate the discretion of judges' decisions to ensure consistency and proportionality in the imposition of disciplinary sanctions on fines. in any newly established "space" resulting from the sociological transformation of our time.

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Policy Strategy to Combat Illegal Firearms Smuggling as Transnational Organized Crime into Indonesia

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Anggy Prasetyo^{1*}

¹Magister Hukum, Universitas Eka Sakti, Padang, Indonesia

Corresponding email: *anggyprasetyo1@gmail.com

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Abstract

Illegal firearms smuggling represents a significant threat to Indonesia's national and regional security. This study seeks to evaluate the Indonesian government's policies and strategies for mitigating this transnational crime, measure their effectiveness, and uncover persistent challenges. By employing a literature-based approach combined with case data and policy analysis, the study delves into the geographical and institutional complexities that influence the dynamics of arms smuggling in Indonesia. The findings reveal that, despite considerable legislative and operational efforts, gaps in monitoring and enforcement remain, enabling smuggling activities to persist. Key challenges include limited resources, inadequate inter-agency coordination, and the pressing need for stronger international collaboration. To address these issues, the study recommends enhancing inter-agency and international partnerships, improving law enforcement capacity, and launching public awareness campaigns to bridge existing gaps. This research provides actionable insights for policymakers, law enforcement agencies, and academics, supporting the development of a more integrated and effective approach to combat illegal firearms smuggling.

Keywords: Prevention Policy, Smuggling, Illegal Firearms, Transnational Crime.

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INTRODUCTION

Illegal firearms smuggling is categorized as transnational organized crime, often facilitated by professional groups, and poses significant threats to national and international stability (Legrand & Leuprecht, 2021). This phenomenon not only destabilizes security but also contributes to other transnational crimes such as terrorism, armed violence, organized crime, and regional conflicts, thereby undermining national development and endangering human security (Syahmin, 2015).

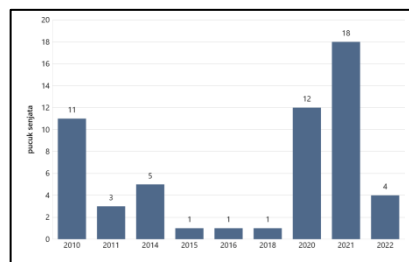
Indonesia's strategic location, with extensive maritime borders, positions it as a key transit point for illegal firearms smuggling in Southeast Asia (Yeo, 2023; Prayoga, 2022). Southeast Asia, historically, has been a region where firearms from previous conflicts remain accessible due to their durability and longevity. As observed by Squires (2021), Most conventional arms trade consists of existing firearms

rather than newly manufactured ones, a factor that exacerbates smuggling activities. The Philippines, particularly Mindanao, has been noted as a significant source of affordable firearms in the region (Novitasari, 2017; Picard, 2021).

With its open and complex archipelagic borders, Indonesia remains vulnerable to Transnational Organized Crime (TOC) networks (Vermonte, 2003). Factors such as restrictive firearm import policies and high taxes drive the demand for smuggled arms, especially in conflict-prone regions like Aceh, Central Sulawesi, and Papua. These weapons are often used by separatist groups to support anti-government agendas (Yulianti, 2014).

Illegal firearms are not only sourced locally but also smuggled from abroad through various routes, such as sea, land, and air. Transnational crime networks employ sophisticated methods, smuggling arms by sea in small boats disguised as fishing vessels or via land routes using the "ant" method, where individuals carry small quantities of arms to an agreed destination (Bruwer, 2020; UNODC, 2020). Between 2010 and 2022, smuggling incidents in Papua alone saw the confiscation of 56 firearms, with various actors including civilians, military, police, armed groups, and political entities involved in the trade (Kompas.id, adapted 08/06/2024).

The following is the data in the form of a table related to the number of firearms smuggling. Based on statements and evidence in court in the year (2010-2022).



Source: databoks. katadata.co.id (adapted on March 30, 2023).

Figure 1. The Number of Firearms Smuggling is Rampant in Papua, the Highest in 2021.

The United Nations Convention on Transnational Organized Crime (UNTOC), along with Indonesia's Emergency Law No. 12 of 1951 and Article 49 of the Criminal Code, forms the legal basis for combating arms smuggling (Abidin, 2023; Syahmin, 2015). Indonesia also adopted the UN's Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA) to guide its preventive efforts. As a UN member, Indonesia is committed to implementing the PoA at national, regional, and global levels (Triwulandari & Antari, n.d.). Based on the description above, the author is interested in studying it further regarding "Policy strategy to combat illegal firearms smuggling as transnational organized crime to indonesia".

This study employs a literature-based approach, case data analysis, and policy review to comprehensively examine the strategies and policies implemented to combat illegal firearms smuggling into Indonesia. By evaluating current policies and identifying existing challenges, this study aims to assess their effectiveness and propose actionable improvements. The study provides a detailed examination of the existing challenges, including inter-agency coordination issues and resource limitations, and suggests policy enhancements to strengthen Indonesia's response to this critical security threat.

DISCUSSION

Analysis of Factors Affecting Illegal Firearms Smuggling.

In Southeast Asia, illegal firearms smuggling, and distribution have become dangerous phenomena, raising serious concerns for human security due to the potential of firearms to escalate crime rates (Clarke, 2020; Prasetyo & Islamia, 2022). Several factors facilitate the smuggling and trafficking of illegal firearms in Southeast Asia. These include the region's geographic location, how weapons are manufactured, imported, and controlled, the technology used for monitoring, arms trade regulations, and the effectiveness of border and government agency surveillance (Bedeski et al., 2002).

Indonesia's strategic position offers economic benefits due to its geographical, geopolitical, and geo-economic advantages. However, it also presents significant challenges for defense and security, particularly in maritime security (Supriyanto, 2021; Gopal & Alverdian, 2021). Non-traditional threats have rapidly increased, making maritime security a crucial issue involving actors at national, regional, and international levels (Heryadi et al., 2022; Liss, 2022). The growth of transnational crime and combat operations at sea highlights the complexity of addressing maritime security issues in Indonesia (Latifah, 2018).

The concept of VUCA (Volatility, Uncertainty, Complexity, Ambiguity) was first introduced by the US Army War College in the early 1990s to describe the post Cold War multilateral environment. VUCA captures the constant impact of legal, social, and economic changes, which create risks for organizations operating within these conditions (Mack & Khare, 2016). As described by Döner & Efeoğlu (2023), VUCA includes Volatility, the speed and magnitude of change; Uncertainty, the difficulty in predicting future events; Complexity, the lack of clear cause-effect relationships; and Ambiguity, the existence of multiple interpretations of environmental conditions. This framework has proven useful for analyzing dynamic and unpredictable environments, such as the illegal firearms smuggling context.

In terms of volatility, the unstable political and security situations in neighboring countries, like the conflict in southern Philippines, create opportunities for criminal networks to smuggle firearms (Cruz-Ferrer & Lubang, 2021). This instability provides openings that smugglers exploit to distribute illegal firearms into Indonesia (Gultom, 2018). Uncertainty is evident in Indonesia's weak law enforcement and incidents of corruption, which ease the process for smugglers to operate freely. The absence of clear

legal implementation and corruption among law enforcement officers exacerbates this issue (UNODC, 2015). Complexity reflects the sophisticated modus operandi of organized transnational criminal networks, who often use advanced technologies and various smuggling methods, including undetected small boats or hiding weapons among legal goods, making law enforcement efforts more challenging (SOMTC, 2023). Lastly, ambiguity emerges from the lack of coordination between government agencies in combating illegal firearms smuggling. Ambiguities in task divisions and responsibilities among these agencies often result in ineffective prevention and enforcement operations (UNODC, 2020).

The Butterfly Effect concept, originating from chaos theory and initially proposed by Edward Norton Lorenz, introduces the idea that small changes in initial conditions can lead to significant long-term variations. In the context of arms smuggling, minor events like the theft of a firearm from a military base can have considerable impacts, such as sparking communal conflict or aiding in the commission of other crimes. This effect emphasizes that small, unmanaged incidents can yield broad and dangerous consequences (UNODC, 2020; Alwishewa, 2024). Indonesia's geopolitical position, situated among neighboring countries facing security and political issues, is also a factor that facilitates illegal firearms smuggling. Its proximity to conflict areas, such as the southern Philippines and Myanmar, makes Indonesia a prime target for firearm smugglers (ASEAN, 2018).

Detailed Case Study: Dynamics and Challenges in Combating Arms Smuggling.

A closer examination of firearms smuggling incidents at Indonesia's borders, particularly in Papua and the areas bordering the Philippines, reveals how logistical, legal, and operational constraints pose significant challenges to anti-smuggling efforts. Firearms seizures in Papua from 2010 to 2022 highlight a commonly used maritime smuggling route that leverages small boats, which are difficult to detect. This same modus operandi is observed in southern Philippines, where firearms originating from conflict zones like Mindanao are trafficked into Indonesia via sea routes.

Key challenges in combating smuggling include logistical constraints, such as the vast maritime area requiring effective patrol coverage (Hidayat & Tan, 2021; Marliani, 2024). Limited surveillance technology exacerbates this problem, as many small boats can traverse borders undetected (Bowyer et al., 2021). Additionally, legal constraints in the form of limited international frameworks complicate Indonesia's ability to coordinate cross-border law enforcement operations with neighboring countries.

Further operational constraints arise from coordination issues among domestic agencies like the police and military, as well as with authorities in the Philippines regarding border monitoring. While ASEAN level cooperation frameworks exist, these challenges persist due to limited capacity, resources, and differences in operational procedures across countries.

Effective Countermeasures and Strategies.

To address these challenges, Indonesia has established partnerships with neighboring countries, such as the Philippines and Australia, in maritime patrol operations aimed at curbing arms smuggling. These partnerships, exemplified by joint operations with the Philippines, Australia, and the United States in border waters, facilitate timely intelligence sharing and more coordinated patrols. These operations also use advanced technology to detect small boats potentially carrying illegal firearms, which has proven effective in reducing smuggling activities along border areas.

In addition to international cooperation, the adoption of advanced technology including satellite-based monitoring systems and intelligence data analysis tools has become a crucial component in anti-smuggling efforts. Through these technologies, Indonesia can respond more swiftly to threats, particularly in vulnerable maritime border areas.

The Indonesian government also prioritizes strengthening national capacity through specialized training for security personnel, focusing on investigative techniques, cross-border surveillance, and management of surveillance technology. Training sessions, often supported by international organizations such as UNODC and ASEANAPOL, enhance law enforcement's capabilities in identifying and dismantling transnational smuggling networks.

Recommendations for Strengthening Anti-Smuggling Policies.

Based on the case study above, several policy recommendations can enhance Indonesia's response to illegal firearms smuggling. First, enhancing intelligence cooperation with neighboring countries to monitor arms trafficking networks is crucial. Utilizing advanced technologies and integrated intelligence systems will allow for faster and more effective responses to smuggling threats. Second, conducting joint operations involving maritime and land patrols, with support from partner countries, can improve border surveillance and law enforcement efforts against arms smuggling at both sea and land borders.

Improving the national legal framework to align with international standards is also necessary to facilitate legal cooperation and extradition of transnational criminals. Furthermore, a public awareness campaign should be developed to educate the public about the dangers of arms trafficking and the importance of international collaboration. Such campaigns are also expected to encourage public participation in reporting suspicious activities.

With these steps, Indonesia can bolster international collaboration, enhance law enforcement effectiveness in addressing firearms smuggling, and contribute to national and regional security.

Strategy for Policy to Combat Illegal Firearms Smuggling.

United Nations Programme of Action to Prevent, Combat, Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspect (2001).

The United Nations Programme of Action (UNPoA) provides a structured framework for combating the illicit trade in small arms and light weapons, which comprises five key parts. The UNPoA's structure is briefly outlined as follows: a. Preamble; b. Preventing, combating, and eradicating the illicit trade in small arms and light weapons in all its aspects:

1. At the national level;
2. At the regional level;
3. At the global level; c. Implementation, international cooperation, and assistance; d. Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; and e. Annexes, which include:
 - Initiatives undertaken at the regional and sub-regional levels; and
 - Statement by the President of the Conference.

As an official member of the United Nations, Indonesia has the obligation to ratify and implement the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA). This program offers strategic guidelines for member countries to address illegal firearms trade through several core steps:

1. Legislation

Indonesia has strengthened its laws and regulations concerning firearm ownership, trade, and use. Robust legislation serves as the foundation for effective prosecution of illegal firearms trafficking perpetrators. Implementing the PoA encourages countries to adopt internationally aligned laws that regulate the production, storage, and distribution of firearms and components (UNODC, 2020).

2. Weapon Destruction

The Illegal Weapons Destruction Program under PoA promotes the periodic destruction of seized illegal firearms to ensure that they do not re-enter illegal circulation. The Indonesian government conducts regular destruction events to decrease the number of illicit firearms in circulation, providing transparency and accountability to the public (ASEAN, 2018).

3. Weapon Storage Management

Secure and systematic management of weapon storage is another focus of the PoA. In Indonesia, weapons are strictly stored by security forces to prevent theft or misuse, with the government adopting modern technology for supervision and control of firearm inventory to enhance storage security (UNODC, 2020).

4. Sharing Information

The PoA emphasizes the importance of cross-border information exchange to combat illegal firearms trafficking. Indonesia actively participates in international forums, sharing data on

smuggling networks, modus operandi, and trafficking trends. This collaboration enhances both national and regional capabilities in combating transnational crime (SOMTC, 2023).

5. International Cooperation

International collaboration and joint operations are central to PoA implementation. Indonesia works with other nations and international organizations to conduct joint operations, training sessions, and capacity-building programs aimed at eradicating illegal firearms smuggling. These initiatives promote resource sharing, expertise exchange, and cross-border coordination to effectively tackle transnational crime (UNODC, 2015).

Technological Integration for Enhanced Border Security.

To further strengthen border security, advanced surveillance technologies are essential. The use of AI-driven systems, drones, and maritime tracking technology significantly enhances Indonesia's capacity to detect and monitor illegal activities in real time, especially in the nation's vast archipelagic regions. These technologies support law enforcement efforts by enabling:

- **Real-Time Detection and Monitoring:** Advanced surveillance tools provide real-time data that can be used to detect small boats and concealed compartments, both of which are commonly utilized by smuggling networks;
- **Increased Range of Surveillance:** AI-integrated drones and maritime tracking systems can monitor extended border areas and identify suspicious activities along complex routes, reducing the possibility of illegal firearms entering the country undetected; and
- **Improved Data Collection and Analysis:** AI systems aid in analyzing patterns and identifying potential smuggling routes, facilitating proactive measures in high-risk areas and allowing authorities to allocate resources more efficiently.

Through the integration of advanced surveillance technologies, Indonesia can effectively strengthen its border security against illegal firearms smuggling. By combining legislative measures, international cooperation, and modern technology, the country is better equipped to tackle the complex and evolving threat of transnational arms trafficking.

How is the implementation of collaboration between countries in addressing arms smuggling.

Golose (2023) stated that the ASEAN framework for combating firearms smuggling includes the following strategies: 1) facilitating information exchange on arms smuggling issues, such as trends, best practices, and new techniques and tools; 2) establishing regular contact points for cooperation on arms smuggling; 3) developing training initiatives and building capabilities; 4) identifying key areas for collaboration; 5) exploring possible partnerships with strategic private sector entities; and 6) reinforcing ASEAN's efforts to prevent the cross-border flow of illegal firearms.

1. Collaboration between the United States and Australia

The United States and Australia have conducted numerous joint operations to prevent arms smuggling into Yemen. These operations include maritime interceptions to enforce UN Security Council resolutions prohibiting arms transfers to Yemen. For example, in 2015, US and Australian ships intercepted and seized Iranian-origin anti-tank weapons on the Nassir. This operation required extensive coordination, sophisticated intelligence, and continuous surveillance efforts. Intelligence obtained from the weapons seizure contributed to improvements in subsequent operations, highlighting the importance of ongoing feedback and refinement in joint operations (The Washington Institute, UNODC).

2. Multilateral Cooperation in Southeast Asia

ASEAN countries have strengthened collaboration on arms smuggling through regional mechanisms, such as the ASEAN Convention on Counter-Terrorism and ASEANAPOL (ASEAN Chiefs of National Police). This cooperation includes information sharing, joint training, and coordinated cross-border law enforcement activities. ASEANAPOL facilitates coordination among ASEAN police forces to address transnational crimes, including arms smuggling. ASEAN member countries also participate in joint operations to dismantle smuggling networks and confiscate illegal firearms, collaborating with UNODC on training and capacity-building programs (UN News, United Nations Press).

3. Collaboration between Indonesia, Australia, and the United States

Indonesia has cooperated with Australia and the United States in maritime law enforcement operations to combat arms smuggling. These joint operations involve maritime patrols, interceptions, and surveillance activities supported by advanced technology and intelligence sharing. For example, in Operation Atalanta in the Indian Ocean, Indonesia collaborated with several countries to counter piracy and arms smuggling in the region (The Washington Institute, UNODC).

4. ASEANAPOL Initiative and Regional Mechanism

As a member of ASEAN, Indonesia actively participates in ASEANAPOL, which facilitates cooperation among ASEAN police forces. Through ASEANAPOL, Indonesia can exchange information, engage in joint training, and conduct coordinated cross-border law enforcement operations with neighboring countries such as Malaysia, Singapore, and Thailand to combat arms smuggling (UN News, United Nations Press).

Recommendations for Strengthening Collaboration and Knowledge Transfer in Indonesia

To improve Indonesia's efforts in combating firearms smuggling, the following recommendations focus on enhancing intelligence, collaboration, and knowledge transfer:

1. Strengthening Intelligence Cooperation

Enhance intelligence exchange with partner countries to monitor and identify arms trafficking networks. Utilizing advanced technology and integrated intelligence systems will allow for faster, more effective responses to smuggling threats (Ward, 2024; Mademlis et al., 2023)

2. Joint Operations

Conduct joint operations involving maritime and land patrols with support from partner countries. These operations should focus on close surveillance and decisive action against arms smuggling at sea and land borders (Fantinato, 2021; Larsson & Widen, 2024).

3. Joint Training and Knowledge Transfer

Conduct joint training facilitated by UNODC or other international agencies to improve the capacity of Indonesian law enforcement. This training should include investigative techniques, the use of surveillance technology, and handling arms smuggling cases. Examples of training may include data analysis and intelligence software usage, as well as cross-border surveillance methods (USAID Reducing Demand for Wildlife).

4. Community Engagement in Border Regions

Local communities in border areas can play a critical role in anti-smuggling efforts by reporting suspicious activities and supporting border control initiatives. Specific community engagement programs, such as workshops and incentives for reporting smuggling incidents, can strengthen the intelligence network, especially in remote areas (Blair et al., 2021). By involving local communities, law enforcement agencies can make it harder for smuggling networks to operate undetected.

5. Strong Legal Framework

Adopt and implement international resolutions such as the UN Convention against Transnational Organized Crime to ensure that Indonesia's legal frameworks align with international standards (Haider, 2024). This alignment will facilitate legal cooperation and the extradition of transnational criminals.

6. Public Awareness Campaign

Develop a public awareness campaign to educate the public about the dangers of arms trafficking and the importance of international cooperation (De Vries, 2021). This campaign should also promote community participation by encouraging citizens to report suspicious activities.

7. Corruption Mitigation Strategies

Corruption within law enforcement and border control agencies can significantly impact anti-smuggling efforts. Implement targeted anti-corruption measures, such as regular audits, transparent accountability protocols, and strict oversight mechanisms, to minimize corruption risks (Kullish et al., 2021). These strategies will ensure that policy enforcement remains strong and uncompromised, especially in high-risk regions.

By implementing these strategies, Indonesia can strengthen its international collaboration efforts and improve law enforcement effectiveness in tackling firearms smuggling. Such measures will not only enhance national security but also contribute to regional stability.

CONCLUSIONS

Illegal firearms smuggling into Indonesia poses a severe threat to national security and social stability. This phenomenon not only leads to crimes such as robbery and murder but also fuels communal conflicts that hinder economic development. A comprehensive and effective policy strategy is essential to address this pressing issue.

By applying VUCA theory, we understand that uncertainty, ambiguity, complexity, and confusion are the primary factors influencing illegal firearms smuggling. To address these challenges, the Indonesian government must reinforce legislation, enhance inter-agency collaboration, adopt advanced technologies for detection and enforcement, and strengthen international cooperation. Additionally, programs for the destruction of illegal weapons and safe management of weapons storage should be prioritized to prevent illicit firearms from re-entering circulation.

The implementation of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) is a crucial step that Indonesia has undertaken. As a UN member, Indonesia is obliged to ratify and apply these guidelines at national, regional, and international levels. Through such implementation, Indonesia can strengthen its law enforcement and preventive efforts against the illegal firearms smuggling, contributing to national stability and security.

To further support policy enforcement, corruption mitigation strategies are also necessary. Corruption within law enforcement and border control agencies can severely impact anti-smuggling efforts. Targeted anti-corruption measures, including regular audits, transparent accountability protocols, and strict oversight mechanisms, are essential to reduce corrupt practices and ensure policy implementation remains uncompromised, especially in high-risk regions.

Through comprehensive policy strategies and strong synergy among various stakeholders, it is anticipated that illegal firearms circulation can be significantly reduced, thereby preserving national security and stability. Close collaboration among the government, law enforcement, and local communities is essential to foster a secure and conducive environment for sustainable development. By involving these elements, Indonesia can create a robust foundation for long-term success in combating illegal firearms smuggling.

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Indonesia's Environmental Crimes: A Critical Perspective of the 'State' as the 'Victim'

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Pipit Rismanto^{1*}, Muhammad Krisna Bayunarendro²

¹West Kalimantan Regional Police, Indonesian National Police, Indonesia.

²School of Social and Political Sciences, University of Glasgow, Glasgow, United Kingdom.

Corresponding Email: *pr94tp@gmail.com

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Abstract

In the midst of various environmental crimes that are being increasingly profiled around the world, the perspective of the 'state' is often overlooked as the entity of the 'victim'. In fact, in addition to individuals, communities, and the environment the state is often harmed from various environmental crimes. Through a qualitative approach with the methods of *Qualitative Content Analysis (QCA)*, an *Extended Literature Review (ELR)*, and *Critical Discourse Analysis (CDA)*, this paper finds the direct and indirect impacts of the outbreak of environmental crimes in Indonesia from the perspective of the 'state'. This paper also examines the many paradoxes that can be created when the law is used by the state as the solution. In addition, this paper explores various *SGC* perspectives that emphasise considering the *socio-economic* and *historical-cultural* contexts of countries in the Global South. Finally, this paper recommends a transformative justice approach that emphasises reforms and improvements to governance that are more inclusive and sustainable, primarily to address environmental crimes in Indonesia that also focus on restoring environmental damage. This paper also emphasises the importance of strengthening regulations and education related to sustainable environmental education for the community. With a focus on positioning the state as a victim, this research is expected to fill a gap in the literature and be useful in the practical realm.

Keywords: Indonesia, Environmental Crimes, State as Victim, Southern Green Criminology.

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INTRODUCTION

In recent decades, environmental crimes have become complex issues facing *resource-rich countries* around the world, including Indonesia – a country rich in both renewable and non-renewable natural resources (Goyes, 2019; Kahfi, 2014; Tonen et al., 2021). Indonesia's natural resources are highly diverse and spread across all provinces. They provide one the main foundations for economic diversification that contributes significantly to state revenue (see Bakar, 2020; Pradiptyo et al., 2021). The gold mining sector, for example, has become the world's 'prima donna' in recent years, as in addition to contributing domestically, the sector has become the sixth largest supplier in fulfilling the global supply chain (see Annur, 2024). But behind its contribution, almost every natural resource owned by Indonesia has been infiltrated by various crimes, including environmental crimes (Kahfi, 2014). For example, within the mining sector, based on data from the Ministry of Energy and Mineral Resources,

there are more than 2,741 illegal mining points, most of which involve small-scale gold mining (Lumowa, 2021; Meutia et al., 2021).

The term ‘environmental crime’ is usually used as an ‘umbrella term’ for all types of crimes related to biodiversity, natural resource extraction, flora and fauna, and various things that can degrade the quality of the environment inhabited by humans and other earth inhabitants (Gibs and Boratto, 2017; Lynch et al., 2019; White and Heckenberg, 2014). Some examples of environmental crimes besides Illegal mining are, for example, Illegal logging, hazardous waste disposal, forest and land fires, and many more (Ibid). Environmental crimes not have destructive impacts – which impact individual victims or wider society at large (Ibid), but also often trigger natural disasters that can themselves have further impacts, such as landslides, floods, deforestation, water pollution and degraded air quality (Ibid).

On the other hand, when discussing the definition of ‘victims’ of environmental crimes, it seems is a ‘stagnant-simplistic’ position in interpreting ‘crime-victims’ (Freiberg, 1988), and there has been little progress within criminology or victimology for nearly four decades. Almost all attention to date has interpreted ‘victims of crime’ as ‘individuals’ who are affected and harmed by criminality, including environmental crimes (Ibid). This perspective can make our comprehension of ‘victimology’ to be narrow, so that we often demand the responsibility of the state to be present and repair all impacts (Ibid). On the other hand, if seen from a broader perspective, the state is also a victim of the existence of environmental crimes.

Ultimately, this paper argues that the state is also a victim of the proliferation of environmental crimes, both in terms of state revenue leakage as well as having to bear the expensive restoration costs of environmental damage, which are often imposed on it (Pattimahu, 2004; Zabyelina and Van Uhm, 2020) and resisted by communities when trying to respond (see Ridwan, 2017; Rangkuti, 2024). While many studies have focused on individual victims or the environmental damage caused by environmental crimes, this paper will look at these issues from the perspective of the ‘state’, and aims to fill a gap in the existing literature. There is limited literature that has examined the ‘state as a victim’ of environmental crimes. As such, this paper helps promote the importance of considering the ‘state as victim’ perspective, highlighting the idea that the state may not necessarily be fully to blame for the proliferation of environmental crimes.

METHOD

This research project utilises a qualitative approach by analysing secondary data taken from various research gates using Qualitative Content Analysis and an Extended Literature Review. This method was chosen as it is considered the most relevant in terms of validity and reliability as it is derived from published literature as well as in accordance with the research time period. To extract and analyse the information, in addition to using the QCA and ELR guidelines as in Cho and Lee (2014) and Onwuegbuzie and Frels (2016), this research utilises Critical Discourse Analysis as outlined by Fairclough (2013) to interpret the content, format, and context of the data. Although there are

weaknesses in using secondary data sources, such as the criticisms highlighted by Ruggiano and Perry (2019), Hinds et al. (1997) argued that such data can be used as long as it is suitable, relevant and can answer the research questions. This paper also uses ‘prospective reflexivity’ as suggested by Epedal et al. (2022) to encourage researchers to continuously self-reflect at every stage of the literature review process. This aims to maintain the validity and reliability of the research from bias even though it only uses secondary data (Ibid).

RESULTS AND DISCUSSION

State financial leakage and costly restoration costs imposed:

Over the past few years environmental crimes in Indonesia have had a considerable impact, both on society, the environment, and on the state. A Financial Action Task Force report (2021) stated that state losses from environmental crimes in Indonesia are estimated to reach IDR 4,612.6 T annually (approx. 291 billion USD). This is due to the consequences of illegal mining activities, illegal logging, and the disposal of hazardous waste not in accordance with the legal provisions (Ibid).

Arifin Tasrif, Ministry of Energy and Mineral Resources, stated that the illegal mining sector was estimated to have caused financial leakage of up to IDR 3.5 T in 2022, (approx. 222.6 million USD), which could have been used as state revenue (Bhawono, 2022). If the mining activities were carried out legally, tax and royalty revenues would have exceeded IDR 173.5 T (approx. 11.04 billion USD) in 2022. In addition, from other commodities, for example, crimes that cause forest and land fires that also cause huge state losses, in 2015 alone these were estimated to cause potential losses of up to IDR. 220 T (approx. 14 billion USD) (Setkab, 2015). The potential tax that lost in the plantation sector has also been estimated at IDR 18.13 T (approx. 1,155 billion USD) (Pradipto et al., 2021).

In addition to the impact on direct revenue, there has arguably been a domino effect to cause a deficit in the state budget, leading to reductions in budget allocations in other sectors, such as education, infrastructure, and health. For example, for hospital construction of IDR. 250 billion (approx. 15.8 million USD) (see Ministry of Finance, 2022), then the financial leakage that has harmed the state, as outlined in the FATF 2021 report, could have built up to 18,448 hospitals in Indonesia. In terms of disasters such as floods or landslides that arise due to these environmental crimes (see Syaifulloh, 2021; Zabyelina and Van Uhm, 2020), the state must also budget for rescue efforts for the affected victims. As an example, see the disaster that occurred in an illegal mining pit in Banyumas, Central Java, due to a landslide in an illegal gold mining concession. This led to eight illegal miners needing evacuation as they were trapped in an illegal mining pit (Zain and Arief, 2023). Or see the case of forest and land fires, where the state needs to intervene to extinguish fires that arise as a result of environmental crimes (see Suparta, 2024).

In addition, the state must also allocate spending to restore all existing damage. For example, Ministry Tasrif argued that due to illegal mining in forest areas, the restoration and environmental recovery that must be borne by the state is estimated to reach Rp. 1.5 T (Approx 95.2 million USD)

(Bhawono, 2022). In terms of laws and regulations, the state has also made efforts, such as the creation of various task forces to other efforts aimed at monitoring various environmental crimes (see Purnama, 2021).

When the state attempts to implement laws and regulations and to enforce the law in a retributive manner (see Harsdjosoepo et al., 2023), it must also expend effort and bear the budgetary burden at every stage, starting from investigations and through to the trial process (Brown, 2004; Ramadhan, 2016). In addition, once a verdict has been reached, the state must also pay for the operational costs of imprisoning offenders, such as food and rehabilitation programmes in prison (see Prabowo, 2016).

Under the law, Article 54 paragraph (2) of Law Number 39 of 2009 concerning the Environment mandates that: “every person who pollutes and/or damages the environment is obliged to restore the function of the environment” (see Indonesia, 2009). If the context of the law is interpreted fully, then everyone who damaged the environment should be made responsible for restoring and repairing the environmental damage to restore ecological life to its normal condition.

However, have these actors fulfilled the mandate of the law? It is arguable that the restoration of land due to damage has not been carried out by these business actors, as evidenced for example in Wicaksono (2024) or in Prasetyo (2020). Various residents continue to demand that environmental damage is repaired by the state. Another example of business disregard for reclamation can be seen in several cases of children dying from swimming in un-reclaimed mine pits (see Media Kaltim, 2024; Sucipto, 2024). These innocent children have become victims of this environmental crime.

Ultimately, we can argue that the responsibility for environmental damage inflicted by various business actors – whether legal or illegal – is often not imposed on those responsible, and it becomes the responsibility of the state to fix. It is in this position that the state is arguably being victimised through this activity. Following this argument, can retributive law enforcement be a suitable response? This will be discussed in the next section.

Law Enforcement Response: between resistance, conflict and ineffectiveness.

Law enforcement in Indonesia often refers to the three basic values expressed in Radburch (1978), that the law must be able to fulfil three principles: justice, certainty, and usefulness. On the other hand, the implementation of these values sometimes contradicts itself. For example when law enforcement is enforced to fulfil justice, it may bring more harm than benefit. Similarly, under the principle of expediency, enforcing the law can contradict the notion of universal justice that is expected from law enforcement. The impacts of these various issues are not only felt in Indonesia, but also around the world, leading to the emergence of a fundamental dichotomy between those who support law enforcement and optimise the role of prisons, and those who adhere to *abolitionist* ideas and movements that criticise prisons and criminal law enforcement (Bagaric et al., 2021; Liebling and Ludlow, 2016).

Abolitionist ideology continues to question the effectiveness of criminal law enforcement, particularly the use of imprisonment, as it is often seen as suboptimal and frequently fails to reduce crime (Ibid).

Philosophically, the enforcement of criminal law and the use of imprisonment are expected to not only fulfil retributive and public protection functions, but also to provide deterrence, incapacitation, and rehabilitation (Coyle, 2016). However, as the use of prisons has grown, there has been criticism that they often fail to rehabilitate offenders, as many offenders fail to achieve desistance (McNeill and Graham, 2020). Despite the implementation of various rehabilitation and job training programmes within prisons – aimed at removing the ‘the desire to offend’ – the fact remains that many are recidivists who reoffend after release (Davis, 2003; McNeill and Schinkel, 2016).

McNeill (2021) introduced ‘the penal paradox’, which argues that when the state responds to crime with increasingly punitive and retributive responses, it tends to lead to a cycle of repeated crime, due to the complexity of the factors of influence, both when the offenders are inside and outside prison (Ibid). These conditions include overcrowding, suboptimal rehabilitation and job training programmes, being unprepared for employment when they leave prison, or other prison operations that are not in line with the aim of rehabilitating and changing the behaviour of inmates (Davis, 2003; Bagaric et al., 2021). Ultimately, Radburch’s (1978) principle of expediency in law enforcement is questioned, as ‘prison’ does not always lead to the expected benefits.

In Indonesia, while law enforcement is expected to act as a deterrent to perpetrators of environmental crimes, the fact is that environmental crimes still occur and the number of crimes has not reduced. For example, forest and land fires continue to increase every year (MacCarthy et al., 2024), while illegal mining is still found in various locations in Indonesia, despite law enforcement (Hasibuan et al., 2021).

Other factors contribute to the dilemmatisation of this retributive law enforcement of environmental crimes. Law enforcement against environmental crimes can often lead to friction with the community that ultimately causes resistance turmoil (Ridwan, 2017; Rangkuti, 2024; MetroJambi, 2022). The police acting as representation of the state may also cause clashes with local communities. For example, in Merangin, Jambi Province, police officers were held ‘hostage’ by local residents when trying to enforce the law against illegal gold mining in the area (MetroJambi, 2022). Many factors influence and trigger the occurrence of environmental crimes, as the motivation of perpetrators is based on economic motives or inherent customs and culture (Goyes, 2019; Hasibuan et al., 2021). Ultimately, it is becoming clear that the state is being victimised because of environmental crimes, as in addition to spending efforts and money on tackling these crimes, the state also has to deal with conflicts with communities. While it is indeed the case that law enforcement itself can also recover state losses (such as the fine of up to IDR 920 billion (approx. 58 million USD) against PT RKA, which was proven to have caused forest and land fires), as discussed earlier are the environmental damages caused by the crime and any enforcement actions comparable? Any fines go to the ‘state treasury’ and are not directly allocated to repairing the environmental damage (Gunawan, 2023). This research suggests that in dealing

with environmental crimes, state officials must examine law enforcement through cost-benefit analyses (Brown, 2004). As an example, Zimbabwe faced huge inflation because it responded to illegal mining with massive law enforcement and large-scale imprisonment (Spiegel, 2014).

The Southern Green Criminology Perspective: Responding to Environmental Harms.

The perspective of GC scholars in the Global North, for example in Spapens et al. (2014), is that all types of human activities aimed at fulfilling life derived from the extraction of natural commodities – both illegal and legal – tend to be considered equally detrimental and have a broad impact on environmental damage; however, these scholars also argue that illegal activities have a more destructive impact on the environment and the ecological life within it (Goyes, 2023). Natural resource extraction activities often victimise, marginalise and negatively impact local communities, both in the long and short term, causing environmental degradation, the loss of primary livelihoods and disruption to local ecosystems (Goyes, 2019, 2023).

While GC academics in the Global North – such as in Spapens et al. (2014) – emphasise that all types of environmental crimes should be seriously addressed with strict law enforcement while adhering to the limits of human rights violations, arguing for the strengthening of regulations or imposition of heavier sanctions, SGC academics such as Goyes (2019) instead suggest a need to examine the historical-cultural context and unique socio-economic conditions in Global South Countries. The uniqueness of these southern countries is considered to have been heavily influenced by the history of colonisation in the past (West, 2022), which has led to many Global South countries being constrained in terms of economic independence and sustainable development (Mahardika, 2022; West, 2022).

Many other complex factors drive individuals in southern countries to commit environmental crimes, from poverty to ingrained customs and cultural habits (Goyes, 2019; Tonen et al., 2021). This is also in line with the Nexus Between Crime and SDG's Theory outlined in Blaustine et al. (2020), that arguably environmental crimes can be driven by a nexus of factors, such as poverty, economic inequality, lack of access to education, lack of employment, and various socio-political discriminations that can cause a person to be marginalised.

Therefore, when referring to the SGC, the solution offered in the context of environmental crimes should not just be to use law enforcement to imprison perpetrators, but on inclusive and comprehensive transformative justice (Goyes, 2019). In line with the legal principle of *Ultimum Remedium*, criminal law should be the last alternative (Naibaho, 2021). SGC emphasises that in addition to improving governance in an inclusive and sustainable manner, what is really needed is to educate and raise public awareness to maintain environmental sustainability, because as an integral part of being an inhabitant of the Earth, it is fitting that each individual human being is also responsible for continuing to preserve and maintain its sustainability (Goyes, 2019, 2023; Shearing, 2015). It is necessary that all parties take responsibility and must collaborate in implementing solutions.

CONCLUSION

In light of this analysis and discussion, evidence has shown that environmental crimes are multidimensional issues with a broad impacts – not only on the environment, individuals and communities, but also on the state as an entity that is often overlooked as a ‘victim’. While many efforts have been made by the Indonesian state to fulfil the mandate of its constitution (which is to utilise various natural resources for the welfare and prosperity of the people), the state continues to be undermined by the actions of environmental criminals. This causes the need for the state to adopt additional corrective measures to overcome the impacts caused. On the other hand, while retributive law enforcement is expected to be a solution, evidence has shown various paradoxes and ineffectiveness in its ability to reduce crime.

The fundamental mandate of SGC is to consider the context of ‘uniqueness’ in the global south, such as historic cultures and socio-economic conditions that are different from countries in the global north. These issues must also be calculated and taking into consideration when determining solution steps. On the other hand, when the SGC affirms that all humans are integral inhabitants of the planet and have a fundamental responsibility in maintaining and preserving the environment, caring for the environment, and protecting flora and fauna, should not only be absolutely charged to the state. This also applied to changing the perspective of people less aware of the environmental impacts of their activities. These factors should be the collaborative responsibility of all parties.

Finally, in line with SGC, this paper agrees that the solution is to improve governance to make it more inclusive and sustainable, strengthening regulations that are more favourable to various parties, as well as offering environmental education and awareness raising to entire communities, so that all parties become more aware of caring for and preserving the earth instead of just exploiting it.

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An Analysis of Ferienjob Practices in Germany: Modus Operandi, Legal Actions, Prevention, and Global Comparisons

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Shinto Bina Gunawan Silitonga^{1*}, Kadek Ari Bayuna², Bhaskara Ardhy Anugerah Nasution³

¹International Relation Division, Indonesian National Police, Berlin, Germany
Email: author: *shintosilitonga@gmail.com

²Indonesian National Police, Jakarta, Indonesia
Email: kadekari2019@gmail.com

³Criminology and Criminal Justice, University of Leeds, Leeds, United Kingdom
Email: pngg5864@leeds.ac.uk

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Abstract

The Ferienjob program in Germany which was started as an opportunity for students to find work and earn an income during vacations has of late come under criticism and allegations of being justifications for more nefarious endeavors such as human trafficking and labor slavery. In the light of this background, this article examines the factors that facilitated the exploitation of over 1,000 Indonesian and Uzbek students engaged in the Ferienjob scheme arguing about weaknesses in the host and the students' home countries' labor protection systems. Even though there are labor laws in Germany like the *Employengesetz* which forbids the exploitation of minor employees and the *Mindestlohngesetz* which ensures at least a guaranteed pay for every employee's work, exploited labor has not died down and students remain to be in low wage and unsafe working conditions due to the contracts that they deal with. The research includes questions regarding the qualitative methodology that reflects both primary data collected through the interviews and secondary data obtained from government documents and legislations. The key study findings include the use of false claims in this particular case to lure in students, the stealing of the student's money via placement fees, and the lack of proper legal care for foreign employees. The article further examines the responses issued by Indonesia and Germany in the court trying to show that it is extremely hard to bring the offending parties to book and to coordinate the protection of labor laws. As a final point the study provides the suggestions of how the preventive measures could be improved including enhanced regulations for recruitment firms, an improvement in the control of international agencies, and improvement of university partnerships.

Keywords: Ferienjob, human trafficking, legal action, preventive measure, labor law

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INTRODUCTION

The Ferienjob in Germany was initially devised to be a legitimate avenue for students to earn relevant work experience and earn an extra buck during academic breaks. It's supposed to fill temporary labor shortages in key sectors such as logistics, agriculture, and the hospitality industry. Recent scandals, however, have blown this program as a mask for unscrupulous practices, including human trafficking. This has shown the systemic weaknesses of labour protection frameworks, both in Germany and their



countries of origin, for over 1,000 Indonesian students, plus students from other countries such as Uzbekistan. The crisis thus signals that reassessment of legal protection and deeper international cooperation are urgently called for (Alfani 2024).

The law provides the legal framework through the *Jugendarbeitsschutzgesetz*-Youth Employment Protection Act and the *Mindestlohngesetz*-Minimum Wage Law-as a guarantee of equal treatment and observance of labor standards. Still, loopholes in enforcement and unfair practices have enabled comprehensive manipulation and exploitation. Cases from Indonesia and Uzbekistan expose how socio-economic vulnerability, linguistic limitations, and the malpractice of agencies are interlinked with international labor exploitation. In some instances, victims, including Uzbek students, ended up homeless at train stations in Germany. The lack of proactive action from their government further aggravated the situation, as the Uzbek embassy in Berlin reportedly failed to provide adequate support or intervention (Bruhn, 2023).

While *Ferienjobs* offer temporary employment opportunities that can prove helpful to many students, they are also fraught with a great deal of risk: underpay, hazardous environments, and even exploitation. Although labor laws exist in Germany concerning such jobs, like *Beschäftigungsverordnung* (Employment Ordinance) and *Mindestlohngesetz*, for instance, their enforcement mechanisms are not nearly as well developed, particularly where foreign workers are concerned. Including students, these workers are highly vulnerable because of limited awareness about their rights and poor support locally. This legal environment leaves some room for malpractice to take place, which adds to the risks of temporary cross-border employment (Buse, 2024; Ornek et al., 2022). The Indonesian and Uzbek students' scandal shows systematic failure in recruitment and oversight mechanisms. The students were promised to make significant wages, academic credits, and cultural exchange. In reality they found themselves in the midst of exploitative conditions, long working hours, inadequate wages, and poor living conditions that characterized by overcrowding and unsanitary conditions. Contracts were often in German, ambiguous, or even misleading, taking advantage of the students' low proficiency in the language and the law. This situation corresponds to the internationally accepted indicators of human trafficking: coercion, deceit, and exploitation throughout the recruitment and employment process (Nurfajriana, 2024).

Lack of transparency and accountability in the mechanisms of German oversight-even in instances of the *Bundesagentur für Arbeit*-mean that fraud agencies pass for legal, hoodwinking workers. Inspections are infrequent and sometimes too limited in scope to be truly effective at detecting abuses. Indonesia's framework on labor protection is also incomplete, while the mechanisms for monitoring and protecting outbound workers remain highly limited. Bilateral agreements between Germany and Indonesia are more about facilitating labor migration rather than protecting workers' rights. In the case of Uzbekistan, there have been reports of very little intervention by its government or embassy to help its victimized students, which further worsens their situation (Bruhn, 2023).

Addressing these issues calls for an integrated approach. This study identifies how such exploitative practices are occurring in the forms of deceptive recruitment, contractual ambiguities, and unsafe working conditions. The report points to systemic weaknesses in Germany's labor protection framework and insufficient oversight by both Indonesia and Uzbekistan of their outbound workers. The research further assesses the extent to which such practices would constitute human trafficking under the indicators as defined in national and international legal frameworks. Objectives of this study, therefore, will be to comprehensively analyze the German Ferienjob system, analyze the modus operandi of the exploiting practices, the effectiveness of the legal actions against abuses, prevention strategies that have been implemented by authorities, and the identification of best practices from international contexts to avert further exploitation.

METHOD

This research is conducted qualitatively, using a descriptive-analytical approach, based on primary and secondary data. The research will concentrate on the analysis of the exploitation of the Ferienjob program, its modus operandi of fraud practices, legal responses, and prevention strategies. The primary data were provided through interviews that the authors conducted with several affected students. Key findings from these interviews include: 1) Some victims were forced to stay at the Indonesian Embassy or the police attaché's office in Berlin after being terminated from their jobs, with some remaining there for up to three weeks before returning to Indonesia; 2) Contracts provided by victims were examined, revealing exploitative clauses written in German. These contracts were collected directly from victims who stayed with the authors; 3) Additional evidence, like transfer receipts, agency requirements, and other documentation, was also analyzed in order to understand the mechanisms of fraud.

Secondary data were obtained from references through the internet and materials that had been published, such as government publications, legal documents, academic journals, reports of international organizations, and newswires from reputable news agencies. Reports from various advocacy groups and official agencies, together with the Report on the Results of the Investigation from Bareskrim, gave valuable insight into the regulatory and legal environment. A comparative analysis of policies in countries like Canada, Australia, and Uzbekistan looked at systemic weaknesses and best practices. Data analysis was done through content analysis, with the focus being the identification of patterns, themes, and gaps in the regulatory frameworks of Germany and Indonesia. Triangulation of primary data from interviews with secondary data was done to ensure reliability and validity.

RESULTS AND DISCUSSION

Modus Operandi of Ferienjob Fraud

The Ferienjob fraud that has affected Indonesian students shows a carefully organized exploitative scheme, which relies on the hopes of young people for an international experience.



Fraudulent agents advertise, sometimes in collaboration with universities, to entice students into their trap. These advertisements had falsely promised that going to the Ferienjob would provide them with academic credit under Indonesia's Kampus Merdeka program. This association with a recognized government program lent the scheme an appearance of credibility and also further convincing students of its legitimacy (Alfani, 2024). Fraudulent agents strategically leveraged formal agreements (MoUs) with Indonesian universities, creating an appearance of legitimacy that enabled them to conduct extensive promotional activities. These agreements facilitated the recruitment and departure of students, with universities being very active in logistics and even arranging third-party financial loans to cover students' placement fees. Most importantly, universities materially benefited from these arrangements, including financial benefits accruing from this arrangement, and opportunities to send supervisors or lecturers to Germany under the agents' sponsorship.

Another critical element of the scheme was that a placement fee in the average amount of €350 (approximately IDR 5.7 million), sometimes up to IDR 50 million, needed to be paid for students taking part in third-party loans of the scheme (Letter to all participants of the airline loan fund program Working Holiday Germany, 2023). This is purportedly the money required for covering all processes concerning visas, flights, and administrative purposes. However, on arrival in Germany, students found conditions that were very different from what was promised. They had to work in hazardous conditions, were put to work immediately under harsh conditions, and were asked to pay as much as €17 to €20 per day for accommodation. This amount was directly deducted from their wages, leaving them no room for negotiation, and students were not allowed to look elsewhere for accommodation.

Contracts signed by students were exclusively in German and presented in high-pressure circumstances, often late at night or immediately upon arrival. Many students, unfamiliar with the language, were unaware of the exploitative clauses. These contracts often subjected them to unfavorable conditions, making them vulnerable to further manipulation (House of Representatives of the Republic of Indonesia, 2024). Students faced all types of atrocities: students arriving in the airport with no direction as to get to a rural site by taking this train at that time- ending in lost time, missed trains, extra expenses. Many were also directly sent into sub-standard accommodations, and ordered to begin the next morning work, having barely time to take rest, with some without orientation and no welcome programs. The accommodations provided were frequently substandard with overcrowded and unhygienic living conditions. Such treatment not only violated international labor standards but also inflicted severe financial, physical, and emotional distress on the victims (Nurfajriana, 2024; Utami et al., 2024).

The agents in Indonesia acted as if it were something legal, manipulating the collaborations with universities, where much confidence has been instilled. Some of these universities, such as UNJ, received financial benefits referred to as Corporate Social Responsibility payments, where payments are given based on a per student overseas. These funds, though supposed to be used for local community development or to enrich institutional facilities, were misused or transferred for purposes unrelated to

CSR as defined by Indonesian regulations. Moreover, these financial incentives encouraged universities to prioritize profits over student welfare, leading to the initial stages of exploitation under the guise of educational development.

On the German side, supervisory mechanisms like the Federal Employment Agency did not work effectively with regard to controlling the recruitment of foreign workers and their conditions of employment. In court, judicial reviews underlined several violations regarding wage deductions without clear transparency, arbitrary dismissal, and unsafe working conditions. More than 130 students, legally represented in Berlin, now demand restitution.

Moreover, the fraudulent use of CSR funds, added to the systematic promotion of the exploitative practices by universities, underlines a larger failure of the regulatory mechanisms. Weak labor protection both in Indonesia and Germany, along with insufficient cross-border monitoring, has allowed such schemes to persist. In essence, the facilitation by universities of such exploitative arrangements through MoUs and logistical support has fundamentally undermined their duty toward education and protection, making students susceptible to extreme financial, physical, and emotional distress. This scam modus operandi indicates a serious need for reassessment of the regulatory and oversight mechanisms related to international student programs, with a view to closer monitoring of university collaborations, better labor protection for temporary workers, and ethical use of CSR money.

Legal Actions / Repressive Measure

Indonesia and Germany have taken several steps to address the Ferienjob trafficking case, but significant challenges remain in ensuring justice and deterrence. Investigative efforts began with the Indonesian National Police's Criminal Investigation Agency, Bareskrim, initiating an inquiry following a police report on October 30, 2023. This was complemented by regional investigations from the Jambi Regional Police, focusing on recruitment at Universitas Jambi, and the South Sulawesi Regional Police, examining similar activities in campuses across South Sulawesi. By March 2024, Bareskrim named five suspects, two of whom were declared international fugitives through Red Notices issued in May 2024. Meanwhile, the Jambi Police identified four suspects linked to university management in August 2024. However, these investigations have yet to reach the P21 stage, with critical instructions from prosecutors still unmet.

Despite the naming of suspects, there are substantial barriers to progress. Two of the main perpetrators, Enik Rutita (alias Enik Waldkoenig) and Amisulistiani (alias Ami Ensich), remain free in Germany, and efforts to extradite them have been stalled. Investigations into alleged money laundering by these individuals have similarly not moved forward, despite repeated requests from Indonesian authorities to their German counterparts. Corporate accountability also remains lacking. PT CVGEN, one of the key recruiters behind the scheme, operated without any legal registration and was conducted through social media, with no office. PT Sinar Harapan Bangsa Kita (SHB) is a duly registered company but had no license from BP2MI. Neither company has been decisively sanctioned- operational bans or

asset freeze- nor the key personnel, like Ayub Marzuki of PT SHB, questioned.

Administrative policies have also been implemented. The most recent, in October 2024, was the call of Kemendikbudristek for universities to stop the Ferienjob programs. But this has been inconsistently implemented. For instance, while there have been reports that organized crime networks operate across 34 campuses, detailed investigations - such as the one conducted by the Jambi Police - have not been repeated elsewhere. A stalled investigation process in both South Sumatra and North Sumatra shows the weaknesses in consolidated efforts.

So far, the response from Germany has been minimal, where actions have only reached the suspension of visa issuance for Ferienjob-related applications upon the Indonesian Ambassador's initiative. But German authorities have not undertaken serious criminal investigations or executed the extradition requests for the suspects. The repeated appeals by the Indonesian Police Attaché to Germany's Federal Criminal Police Office, the BKA, for investigations into the financial activities of the suspects have also yielded no substantial outcomes. The more-than-one-year-long legal process underlines inefficient coordination in law enforcement. The partial prosecution, taking only a few individuals into consideration and not taking any action about the wide network of 34 universities implicated, does not show the scale of the organized crime.

It is only through a comprehensive investigation involving regional police in all the affected provinces that such a network can be demolished and justice delivered to the victims. Speedy legal action against them to ensure timely justice, increasing international cooperation for extradition and transnational crime investigation, and stringent corporate sanctions with monitoring mechanisms in the recruitment sector-all these are the necessary steps that can be taken to strengthen the anti-human trafficking mechanism to safeguard the vulnerable. Diplomatic engagement between the two countries is instrumental in addressing systemic vulnerabilities, particularly in visa issuance and labor migration systems, which traffickers often exploit (Wahyurudhanto, 2019).

Prevention Measures

It requires adaptive regulations, proactive enforcement, and coordinated international cooperation to prevent human trafficking. However, most of the existing measures fall short in addressing the evolving threats such as the Ferienjob scheme. In Indonesia, for example, regulations such as Regulation of the Minister of Manpower and Transmigration (Permenakertrans) Number PER.08/MEN/V/2008, which regulates the procedures for licensing and organizing apprenticeships abroad, are outdated and do not reflect modern recruitment practices. This is in the context of why Kemendikbudristek should take the lead in drafting new policies. Each university should do profiling of work programs, select partner organizations with a selection process, and obtain recommendations from the Indonesian embassy (KBRI) before recommending internships abroad. The students should be taught critical thinking so they can find out about the Ferienjob program and distinguish scams.

Furthermore, universities should check employment contracts so that students' rights do not get

violated. Immigration authorities also play a very important role in observing mass departures that are actually touted as student internships but involve seasonal migrant work under Indonesian Law Number 18/2017 on Migrant Workers. Greater coordination by immigration and law enforcement can ensure early detection of such discrepancies. More strict enforcement against misleading agents is necessary, especially through social media to manipulate students. Law enforcement agencies should develop counter-narratives that use all platforms, including Divisi Humas Polri, to effectively debunk misinformation and to present accurate and accessible information.

Indonesian embassies must be more assertive in the case of recruitment masquerading as internships. For instance, Indonesian embassies identified 147 students victimized through Ferienjob but refused to take action against the agencies. They need to issue formal instructions to visa authorities to pre-emptively stop questionable visas. Written warnings clearly should be given in writing to agents, and international agreements need to be enforced as part of the deterrence for such activities. Mistakes, like acting only after problems have occurred, achieve partial mitigation: for instance, reducing the number of departures from 2,000 to 1,000 instead of completely preventing the exploitation.

In Germany, stronger coordination with international law enforcement is of essence. There is no MLAA between Indonesia and Germany, which obstructs extradition and action on Red Notices issued by INTERPOL, meaning suspects are left free. German authorities must respect the commitments of INTERPOL and create formal mechanisms for police-to-police cooperation, fast-tracking procedures like extradition requests. Furthermore, visa applications for large groups of people who will join the programs such as Ferienjob should be checked in cooperation with Indonesian embassies or related ministries, as done in Vienna. Such verification could help avoid abuses and strengthen transparency in visa issuance. Lastly, the activities of recruiting agencies should be controlled.

Agencies operating without proper registration must face severe consequences, including license revocation and legal action by the Ministry of Law and Human Rights. Agencies that fail to meet legal standards face not only administrative penalties but also criminal charges, which are vigorously pursued by police investigators (Bachtiar, 2022; Dando, 2024). In addition to these enforcement measures, digital forensics teams should collaborate with Kominfo to take down fraudulent online content without delay. Public Information Officers, as mandated by Indonesia's Public Information Disclosure Law (UU 14/2008), should be proactive in the dissemination of warnings to prevent mass victimization.

Global Comparison

The fight against human trafficking, from an international perspective, provides useful lessons for Indonesia through the strategies taken by countries like Canada and Australia. These countries have come up with comprehensive frameworks that govern labor migration, protect workers, and address vulnerabilities that traffickers take advantage of. In Canada, for example, the TFWP mandates key safeguards, such as requiring that employment contracts be provided in workers' native languages. This



would ensure that the workers understand the terms of employment, including wages, hours of work, and procedures for redress (Employment and Social Development Canada, 2023). It also requires employers to pay all recruitment costs, provide proper accommodations, and strictly follow labor rules. Recruitment agencies are licensed and audited to ensure the rules are followed, and violations may include license revocation and public blacklisting.

Similarly, Australia's Seasonal Worker Program prioritizes worker protection through mandatory translations of employment documents into native languages and fair recruitment practices, including employer-funded recruitment costs process (Australian Government, Department of Education, Skills and Employment, 2021). Compliance is strictly regulated by the Fair Work Ombudsman, which investigates worker complaints and holds employers accountable for their labor practices. Fair Work Ombudsman 2024 Public education campaigns are designed to help workers identify and report exploitation. In addition, bilateral agreements with Pacific Island nations enhance protection through explicit articulation of sending and receiving country rights and obligations, including ethical recruitment, dispute resolution, and postwork support (Department of Foreign Affairs and Trade, 2024). These are some of the strategies that Indonesia can adopt to strengthen its efforts in combating human trafficking and also especially for its migrant workers.

First, the translation of employment contracts into local languages would guarantee that all workers, especially from rural areas with limited formal education, understand their rights and responsibilities. Second, strict regulation and oversight of recruitment agencies, including licensing and periodic auditing, would foster ethical practices in preventing abuses. Agencies that fail to do so must be subjected to substantial penalties, including fines and blacklisting. Thirdly, Indonesia could enter into bilateral agreements with destination countries on mutual accountability and protection, such as standards for ethical recruitment and grievance mechanisms. Additionally, awareness campaigns and educational workshops in schools, universities, and rural areas will arm potential workers with information on trafficking risks, fraudulent job offers, and their legal rights. This would also involve increased coordination between the law enforcement agencies, immigration authorities, and concerned ministries for investigating fraud recruitment cases and prosecution of the traffickers.

CONCLUSION

The Ferienjob fraud that has targeted Indonesian students shows large gaps in international regulatory and oversight frameworks, highlighting vulnerabilities both in recruitment processes and in cross-border labor protections. Fraudulent agents' deceptive practices combined with poor scrutiny from universities and weak enforcement mechanisms in Indonesia and Germany have allowed the systematic exploitation of students. The involvement of universities in misusing CSR funds and being complicit in recruitment logistics points to a far wider ethical failure in the protection of students. Efforts at crackdowns are still few and far between, and even legal actions are stalled by bureaucratic delays, ineffective extradition processes, and insufficient corporate accountability. Preventive measures are

outmoded regulations and uncoordinated enforcement that have only served to increase vulnerability among students to financial, physical, and emotional harm. Drawing from global best practices, such as the mandatory translation of contracts in Canada and Australia, together with the strict regulation of recruitment agencies, both Indonesia and Germany can do more to protect temporary workers. Recommendations include updating regulatory frameworks, improving inter-agency coordination, enforcing stricter penalties for non-compliant entities, and fostering international collaboration to address systemic vulnerabilities. Meeting these challenges is crucial for the realization of justice for the victims and the development of a safer and more transparent structure for international labor migration. This case provides a call to action for governments, academic institutions, and international organizations to prioritize ethical practices and protections for workers in global mobility programs.

SUGGESTION

Approaching problems of human trafficking and labor exploitation, Germany and Indonesia are to consider a series of steps addressing the strengthening of oversight to beef up worker protection. Establishment of bilateral agreements between these countries is the first step to assure adequate levels of regulation for both countries regarding student labor programs, seasonal guest-worker agreements, and other forms of temporary work. Such agreements could outline shared responsibilities, including the vetting of recruitment agencies, ensuring ethical employment practices, and creating mechanisms for dispute resolution. Formal cooperation will enable Germany and Indonesia to close regulatory gaps and reduce vulnerabilities exploited by traffickers.

Second, multilingual legal support services for foreign workers should be established in Germany. Due to language barriers, many victims of trafficking and labor exploitation do not seek help. Accessibility of legal support in multiple languages will definitely empower workers to understand their rights and confidently navigate the legal processes and report violations. This could be implemented in collaboration with government agencies, NGOs, and community organizations to ensure access to comprehensive and culturally sensitive support.

Lastly, both countries must increase the sanctions against those recruitment agencies and employers that fail to comply while enhancing the monitoring mechanisms. For Indonesia, closer audits and requirements for licenses from recruitment agencies will help avert questionable activities and increase transparency. At the same time, Germany could impose tougher penalties on employers who take advantage of foreign workers through public blacklisting and monetary fines. Frequent checks on workplaces and application of modern technologies for monitoring purposes would reinforce compliance and provide a context where the probability of exploitation is reduced systematically.

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