

# DEVELOPMENT OF A LAW ENFORCEMENT SYSTEM BY THE POLICE TO SUPPORT THE MAINTENANCE OF INTERNAL SECURITY STABILITY BASED ON PANCASILA VALUES

ERWIN KURNIAWAN <sup>1</sup>, YOS JOHAN UTAMA <sup>2</sup> and RATNA HERAWATI <sup>3</sup>

<sup>1</sup> Doctor in Law Program, Diponegoro University, Semarang. Email: erwinkurniawan@students.undip.ac.id

<sup>2,3</sup> Lecturer in Law, Faculty of Law, Diponegoro University, Semarang.

Jl. Prof. Soedarto, SH., Tembalang, Semarang.

## Abstract

The current law enforcement system by the Police in supporting the maintenance of internal security stability has been maintained but there are obstacles in its implementation, due to the lack of application of Pancasila values in law enforcement. The policing model that occurs that runs is not able to establish good relations with the community, due to the position of the Police as a tool of the State in maintaining domestic security stability, so a model of implementing community policing based on Pancasila values is needed. Therefore, it is necessary to build a law enforcement system by the police to support the maintenance of domestic security stability based on Pancasila values. This study aims to study; (1) What is the position of the police as a tool of the state within the framework of law enforcement and public order in ensuring internal security based on Pancasila values?; (2) Why problems in law enforcement that cause domestic security stability to be disrupted have not been based on Pancasila values; (3) How to build an ideal law enforcement system by the police in the future to support the maintenance of domestic security stability based on Pancasila values?. The research method used is sociological juridical with a statutory approach, concept approach, and case studies. The results showed that; (1) The position of the police as an instrument of the state within the framework of law enforcement and public order in ensuring domestic security is as law enforcers who have the duties and authorities as regulated in Law No. 2 of 2002 concerning the Indonesian National Police Article 13: a. Maintain public security and order, b. Enforce the law and c. Provide protection, protection and service to the community; (2) Problems arise in law enforcement that cause domestic security stability to be disturbed, among others, caused by; a) lack of public knowledge in the field of law; b) Law enforcement is hampered by the lack of public participation in law enforcement and order security; c) Police facilities or facilities are not up to date; d) Lack of community participation in law enforcement and order security; e) Unlawful Community Culture; (3) Building an ideal law enforcement system by the police in the future to support the maintenance of domestic security stability based on Pancasila values, including; a) Strengthening the Function and Position of the National Police in Stability of Domestic Security and Order; b) Increasing Public Participation in Law Enforcement and Order Security; c) Understanding of the Community and Groups in Fostering Community Policing; d) Strengthening Kamtibmas not only leads to crime prevention but also community empowerment; e) Building an Orderly and Law-aware Community Legal Culture

**Keywords:** Development, System, Law Enforcement, Police, Pancasila Values

## A. INTRODUCTION

Law enforcement anywhere in the world requires the Police to represent the state in implementing and maintaining the application of the law in all sectors of people's lives. No country is without a police, although their duties and functions vary from country to country. For example in the United States, the Police Force serves and functions as a state police only not related to the central government. Police agencies are organized into three levels, namely Federal, State, and Local. The Constitution does not provide for the form of Centralized Police,

and the police functions as a whole are local and state governments, while for special crimes such as sabotage, spying and others, it is organized by the Federal Police such as the FBI, US. DEA, US. Marshal, and US. *Attorney General*, and US. *Secret Service*. The United States Police, under the Department is not under the direct president as in Indonesia. The local government (Governor) also issues its own laws and regulations, so that the duties and authorities possessed by the Police agency are only limited to the state or city / <sup>1</sup>country where the Police agency is located, so there is no integrated standard of professionalism. The standard parameters of professionalism in regional police institutions are not the same because each regional government has the authority to regulate and make its own laws and regulations. So that between police agencies in the state do not have the same standard of professionalism.<sup>2</sup>

Later in the UK, policing was adopted from the *Marine Police* mercenary police model formed by the private sector. The duties and functions of the police force are strictly limited only to fighting crime, but must not interfere in people's lives. This is because Individualism is held in high esteem by British society. Whereas in the Netherlands After 1993 there was a unification / integration of the Police Bodies (City Police and Royal Police) into the National Police. The National Police is subordinate to the Home Minister, the Marsose is under the Minister of Defense and the Regional Police is under the respective Governors.<sup>3</sup>

Thus the duties and functions of the police are very different from the police in Indonesia, which serve and function as law enforcers, maintaining public security and order (Kamtibmas) and community service and protection are the main duties of the police as a noble profession, whose application must be based on applicable laws and human rights or in other words must act professionally and strictly uphold the code of ethics, So as not to fall into behavior that is hated by society.<sup>4,5</sup>

In the 1945 State Constitution (UUD 45), philosophically, the duty of the National Police is in paragraph 4 (four), namely protecting the entire Indonesian nation and all Indonesian bloodshed.

The reform of the Indonesian Police Law, Law No. 2 of 2002 is intended to further strengthen the position and role of the National Police as a government function including the maintenance of public security and order, law enforcement, protection and protection and service to the community that upholds human rights (Article 4 of Law No. 2 of 2002), must be free from the influence of any party's power, which is carried out independently regardless of influence government power and influence of other powers.<sup>6</sup> Constitutionally, the People's Consultative Assembly has determined the status of the National Police through the second amendment to the Constitution of the Republic of Indonesia Year 1945, as contained in Chapter XII Article 30 paragraph (2), paragraph (4) and paragraph (5).

Article 30 paragraph (2): State defense and security efforts are carried out through the universal people's defense and security system by the Indonesian National Army and the National Police of the Republic of Indonesia, as the main force and the people as the supporting force.

Article 30 paragraph (4): The National Police of the Republic of Indonesia as a state instrument that maintains public security and order is tasked with protecting, protecting, serving the

community and enforcing the law.

Article 30 paragraph (5): The composition and position of the Indonesian National Army, National Police of the Republic of Indonesia, in carrying out their duties, the conditions for participation of citizens in state security defense efforts, as well as matters related to security defense are regulated by law

According to Article 30 paragraph (4) of the 1945 Constitution, it can be seen that the National Police of the Republic of Indonesia as a state instrument that maintains Public Security and Order (Kamtibmas), is tasked with protecting, protecting, and serving the community and enforcing the law, which ultimately aims to achieve law and social order.

The position of the National Police as Law Enforcers together with other Law Enforcement officials, such as the Prosecutor's Office, and the Court under the auspices of the Criminal Justice System.<sup>7</sup>

Satjipto Raharjo, said: Among the jobs of law enforcement. Police work is the most interesting. This becomes interesting, because in it there is a lot of human involvement as a decision maker. The police can essentially be seen as a living law, because in the hands of the police the law experiences its manifestation, at least in the field of criminal law. If the law aims to create order in society, including by fighting crime. Finally, the Police will determine concretely what is called the enforcer of order. Who to subdue, who to protect and so on. Through the Police, philosophical things in law can be transformed into physical and humane. Due to the nature of their work, the Police have a lot of contact with the community and risk getting a sharp spotlight from the public.<sup>8</sup>

With regard to law enforcement, law enforcement requires the police to stand above the rule of law. On the other hand, the police also carry out social duties which must pay attention to the values that live in the community. Both of these things create gaps in their implementation, because on the one hand the police must continue to carry out their duties in accordance with applicable legal regulations, for example receiving legal case reports, conducting investigations and investigating cases, but on the other hand reported legal cases often conflict with religious and social values, thus causing problems that are dilemmatic between their duties as law enforcers and their functions as protectors and protectors of the Indonesian people which is full of decency, religion and cultural values that are different in each region. Many cases have occurred, such as the case of Grandma Minah (55) from Banyumas who was sentenced to 1.5 years in 2009, just for stealing three cocoa fruits that cost no more than Rp 10,000. (Detiknews, 2009); Randu fruit theft case in Batang (Detiknews, 2010), and the most viral is the case of a child and his mother reporting each other (Kompas.com, 2020).

Based on data obtained at the National Police's Professional and Security Division (Propam), there were many police members who committed disciplinary violations and received sanctions. Disciplinary violations are the highest violations committed by police officers since 2019. In 2020 there were 3,304 disciplinary violations, and since the beginning of the year there have been 536 disciplinary violations by members. Then the second most common violation is the police professional code of ethics (KEPP). Since 2020, there have been 2,081

members who committed violations. Criminal offences were also the most common last year at 1,024. When compared to 2019, the number of violations increased from the previous only 627 criminal violations committed by police members.<sup>9</sup>

The problem faced by the police at this time is how the standard of values that must be followed by the police in carrying out their duties as law enforcers as well as protectors and protectors of the community, so as to give the right decision / discretion on the dilemmas faced in their duties and functions.<sup>10</sup>

As the largest archipelagic nation, Indonesia's national security is an important issue in the country's defense strategy. National security stability is necessary to achieve Indonesia's national goals mandated in the preamble to the 1945 Constitution of the Unitary State of the Republic of Indonesia. The national goal is to protect the entire Indonesian nation and all Indonesian bloodshed and to promote general welfare, educate the life of the nation, and participate in implementing world order based on independence, lasting peace, and social justice. To maintain and protect efforts to achieve national goals, a situational security policy is needed, namely a policy that supports the implementation of national security according to the right situation. National security must include personal security, the general public, internal security, and national & state security in the global strategic environment.

To carry out the implementation of national security and adjustment to the demands of global issues, it is appropriate for Indonesia to also have a national security policy and institutions that manage the national security system to act in the integration of all state apparatuses and components of society, so that the course of an independent universal people's defense and security system can be realized. If the threat is likened to a pathogen, then Indonesia with diversity as its hallmark actually has high vulnerability and must increase vigilance more carefully, because heterogeneity provides broad potential for pathogen infection from various dimensions.<sup>11</sup>

In accordance with the constitutional development of the Republic of Indonesia and legal reforms, especially the separation of the TNI and Polri, there are several legal consequences that were born. *First*, the National Police has the power in the field of preventive and repressive policing in the framework of the *Criminal Justice System*. *Second*, the National Police plays an active role in maintaining internal security. *Third*, the National Police is directly subordinate to the president, where the Chief of Police is appointed and dismissed by the president with the approval of the DPR. In accordance with its position directly under the president, in formulating the organizational structure of the National Police, the government is expected to pay attention to that the National Police is an integral unit of the Indonesian constitutional system so that the National Police is the National Police. The division of the jurisdiction of the National Police is arranged according to the needs of the implementation of the duties of the National Police which are sought in accordance with the division of government administrative areas.<sup>12</sup>

The community must work together with the Police to maintain the stability of the Civil Kamtibmas, a character that is required to occur in a Democratic State, where civilian

supremacy has an honorable place as the main buffer of democracy. *First*, the Civil Police respects Civil rights, a democratic society needs a civilian Police capable of acting as guardians of civic values. These values have been formulated in human rights which are guaranteed as positive state law (*the guardian of civilian values*). *Second*, the Civil Police put forward a humanitarian approach. Civic character is widely associated with the values of *civilization* and *civility*. *Third*, the function of the Police is aimed at creating internal security, order in the community, services and assistance to the community, law enforcement and community *policing*.<sup>13</sup>

With the breadth of authority and power as a holder of the Police office, several rules are applied very strictly, both the Law on Police, the General Principles of Good Government, and the Police Code of Ethics. Even international rules are also applied to the Police Department, in the form of respect for international human rights, in addition to respect for human rights in human rights law in Indonesia.<sup>14</sup>

On the one hand the Police is a tool of power of a Government, whether Democratic or undemocratic, so that the Government can carry out its Government, if it is a Democratic government, the Police must submit to the positive laws that apply, if the Government is not democratic then the Police are also subject to the power that is leading the State. While in Indonesia the Police are subject to the Government, because one of the Executors of Government Functions, and also subject to positive laws, and Legal Policies applicable in Indonesia.<sup>15</sup>

On the other hand, the Police Department, especially regarding Criminalistics, the Police are bound by various rules in the Material Law and Formil Law, where the position of the Police as one element of the Criminal Justice System along with other Apparatus working in the Criminal Justice System, namely the Prosecutor's Office and the Court and even the Penitentiary, as well as Legal Advisors. Here the Police are placed as Law Enforcers who must implement public law, represent the State upholding Law and social ethics, when someone commits a criminal offense on the one hand, while on the other hand there is a person or group of people harmed, even the State is also harmed.<sup>16</sup>

Although the police carry out the task of maintaining law and order, it is still carried out within the scope and following the requirements offered by the structure. To overcome the problems faced by the police (Polri) in the future, clear and firm rules, roles, and positions must be given to the police agency.<sup>17</sup>

In a modern democratic society, the police bear the primary responsibility, to ensure the safety of the people as law enforcement is seen as the ultimate solution to crime. The task of the National Police has its own character, as one of the developers of Implementing Government Functions, the National Police in the government system in Indonesia is a civilian apparatus, but is given weapons of certain types and sizes, different types and sizes from their counterparts in the TNI. Given weapons considering their duty which must provide protection to the community, to increase the power of the Police so that the objectives of the State can be enforced as the law is enforced. The police are given very broad special powers to carry out

their duties and functions in protecting the public from Kamtibmas disturbances. The police must as much as possible be a tool of social change, with the authority given by law to the police, be able to prevent the occurrence of kamtibmas disturbances, and carry out law enforcement for those who violate the law.<sup>18</sup>

## **B. RESEARCH METHODS**

The research method used is normative juridical research with a statutory approach and a concept approach.<sup>19</sup>

### **1. Types of Research**

This research is included in the type of doctrinal research, where the approach method used is normative juridical. The study method used in this study is normative legal research, which is a study conducted by examining certain legal problems based on the implementation of applicable laws and regulations or applied to a legal case.<sup>20</sup>

### **2. Research Approach**

- a) *Statute* approach is an approach taken by reviewing laws and regulations related to the legal issues raised.<sup>21</sup>
- b) Conceptual approach (*conceptual approach*) is an approach that departs from the views and doctrines that develop in legal science.<sup>22</sup>

### **3. Data Sources and Data Collection**

The research source used in this study is the result of data collection carried out with *library research* data.

Secondary data are then grouped into three sources of legal materials used in this study are primary legal materials, secondary legal materials, and tertiary legal materials as follows:

#### **a) Primary Legal Materials**

Primary legal materials are data that are materials in binding legal research sorted based on the hierarchy of legislation.

#### **b) Secondary Legal Material**

Secondary legal research is material in the form of all publications on law that are not official documents, including textbooks, legal dictionaries, legal journals, and commentaries on court decisions

#### **c) Tertiary Law Materials**

Tertiary legal material, is also legal material that can explain both primary legal material and secondary legal material, in the form of dictionaries, lexicons and others related to the focus of research.

#### 4. Data Analysis

The research technique in this dissertation is descriptive analytical, where analysis is carried out critically using various theories of research problems. The collected data is analyzed descriptively with a *qualitative approach*, namely by providing a thorough and in-depth presentation and explanation (*holistic / verstelen*) scientifically.

### C. RESEARCH RESULTS AND DISCUSSION

#### 1. The Position of the Police as a State Tool within the Framework of Law and Order Enforcement in Ensuring Internal Security based on Pancasila Values

The position of the Police as a state instrument within the framework of law enforcement and public order in ensuring internal security is as a law enforcer who has the duties and authorities as regulated in Law No.2 of 2002 concerning the National Police of the Republic of Indonesia Article 13: a. Maintaining public security and order, b. Enforce the law and c. Provide protection, protection and service to the community.

Meanwhile, Article 14 paragraph (1) explains that the Indonesian National Police has the following duties: 1) To carry out arrangements, guards, escorts and patrols of community and government activities as needed; 2) Organizing all activities in ensuring safety, order and smooth traffic on the road; 3) Fostering the community to increase community participation, public legal awareness and citizen compliance with laws and regulations; 4) Participate in the development of national laws; 5) Maintain order and ensure public security; 6) Coordinate, supervise technical guidance of special police, employee investigators, civil affairs and other forms of self-government security; 7) Conduct investigations and investigations into all criminal acts in accordance with the criminal procedure law and other laws and regulations; 8) Organizing police identification, police medicine, forensic laboratory and police psychology for the benefit of police duties; 9) Protect the safety of life, property, society and the environment from disturbances of order and/or disasters including providing assistance and assistance by upholding human rights; 10) Serve the interests of community members temporarily before being handled by agencies and/or authorities; 11) Provide services to the community in accordance with their interests in the life of police duties; and 12) Carry out other duties in accordance with laws and regulations

POLRI as the front line in maintaining public security and order, its duties in the midst of the community objects include people in certain areas inhabited by the community, so the potential that exists in the community must be utilized so that it can be utilized in order to achieve the main tasks of the POLRI. For this reason, this potential must be sought to be able to participate in efforts to create conditions for the Unitary State of the Republic of Indonesia that is safe and orderly and can jointly realize the life of the community of *kerta raharja* order.<sup>23</sup>

The police are one of the law enforcers to realize justice in Indonesia. Law enforcement is an effort to make ideas and concepts a reality. Law enforcement is a process of making legal wishes come true. The so-called legal will here is none other than the mind of the lawmaker formulated in the legal regulations. This discussion about the law enforcement process also

extends to lawmaking. The formulation of the mind of the lawmaker (law) as outlined in legal regulations that will also determine how law enforcement is carried out.<sup>24</sup>

In carrying out the function of the police to achieve justice for the community, in carrying out their functions as law enforcement officers, the police must understand the principles of police law that are used as considerations in carrying out their duties. The principles of police law used are:<sup>25</sup>

- a) The principle of legality, which means that in carrying out their duties as law enforcers, the police must comply with the law;
- b) The principle of obligation, which means an obligation for the police in handling problems in society that are discretionary, because they have not been regulated in law;
- c) The principle of participation, which means in terms of securing the community environment, the police coordinate self-initiative security to realize law compliance among the community;
- d) Preventive principle, which means that the police always prioritize preventive measures rather than direct action on the community;
- e) The principle of subsistence, which means that the police can perform the duties of other agencies so as not to cause greater problems before they are handled by the agency in charge.

The police in exercising power, especially as a tool of law enforcement, maintaining and maintaining security, and public order protect, protector, and public servants are institutionally led by the Chief of Police appointed by the President on the advice of the National Police Commission and after obtaining the approval of the House of Representatives. The power of the National Police exercised under the President has the logical consequence that the National Police in exercising its powers is responsible to the President. Reforms also led to laws and regulations governing the police, including the birth of Law No. 2 of 2002 concerning the Indonesian National Police, replacing Law No. 28 of 1997 concerning the National Police.<sup>26</sup>

The National Police of the Republic of Indonesia or Polri is a state instrument that has the task and principal of maintaining public security and order, carrying out law enforcement and providing protection, protection and services to the community, contained in Law No. 02 of 2002 concerning the National Police of the Republic of Indonesia so that the National Police is responsible for striving, preventing and eliminating any symptoms that may appear and develop in the community.

The duty of the National Police in maintaining public security and order is to maintain and maintain the condition of the community free from fear and worry, so that there is a sense of certainty and assurance from all interests, and free from violations of legal norms. The efforts used are through preventive and repressive efforts. Tasks in the preventive sector are carried out with the concept and pattern of guidance in the form of providing protection, protection and services to the community so that the community feels safe, orderly and peaceful without being disturbed by all their activities. Preventive measures are efforts to prevent the meeting



of intentions and opportunities to do evil so that crime and crime do not occur. Based on Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia Article 13 concerning the main duties of the National Police, namely: 1) Maintaining public security and order; 2) Enforce the law, and 3) Provide protection, protection and service to the community.<sup>27</sup>

Based on the duties and authorities of the police, he is obliged to enforce the law for the sake of creating security and order in the community itself. Professional actions (behavior) that reflect the ability or competence of members to be responsible, effective, efficient, disciplined and future-oriented in overcoming developments (internal security) and implemented with the police code of ethics. The current National Police must be able to adapt to the development of people's lives by changing paradigms that emphasize a reactive and conventional approach (violence) to a proactive approach and get public support by prioritizing partnerships in the context of solving social problems.<sup>28</sup>

In line with the shift of human civilization universally, especially in developed countries, society tends to be increasingly saturated with the way government institutions are bureaucratic, official, formal, and general and others in presenting public services. There is a tendency that people prefer a personal approach that emphasizes problem-solving rather than fixating on rigid legal formalities. In the field of legal development, especially those involving disputes between citizens, settlement with informal mechanisms is seen as more active than the formal criminal justice process which often does not provide a meaningful role for victims in decision making.<sup>29</sup>

Based on Article 2 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the police function is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, protection, and service to the community. The function of the police in maintaining public security and order must be supported by legal authorities. One of them is the Regulation of the Chief of the National Police of the Republic of Indonesia Number 7 of 2009 concerning the System of Reporting Disturbances of Security and Public Order (hereinafter abbreviated as Perkap No. 7 of 2009).

Based on Article 1 Number 3 of Perkap No. 7 of 2009, what is meant by public security and order (hereinafter abbreviated as Kamtibmas) is a dynamic condition of society as one of the prerequisites for the implementation of the national development process in order to achieve national goals characterized by guaranteed security, order, and law enforcement, as well as the building of peace, which contains the ability to build and develop the potential and strength of the community in Deter, prevent, and overcome all forms of lawlessness and other forms of disturbance that can disturb society. Every member of the police must always be prepared to face societal problems that are disturbances to peace. These problems are not just mere transgressions and crimes. There are many police tasks, but the community has hope that the police can immediately overcome the problem.

## **2. Problems in law enforcement that result in disrupted domestic security stability and have not been based on Pancasila values**

Problems arise in law enforcement that result in disrupted domestic security stability caused by; a) lack of public knowledge in the field of law; b) Law enforcement is hampered by lack of community participation in the field of law enforcement and security of order; c) Police Facilities or Facilities Are Not Up To Date; d) Lack of public participation in the field of law enforcement and security of order; e) The Culture of Lawless Society

The development of modernization and global dynamics basically bring a comprehensive impact to the socio-economic and cultural life of the people. In addition to being a common ideal, it also has a negative impact on society. This study uses a literature study methodology with a narrative analysis approach. The study uses data, theoretical literature, and previous studies as strengths in writing analysis. The results of the study show that technological developments bring positive and negative impacts to society such as poverty, inequality, and other social diseases. The impact is running which initially took place in urban areas, then continued in rural areas considering the trends that occurred in urban areas began to enter and develop in rural areas.

On the other hand, the limitations of stakeholders (in this case the police) demand synergy with groups outside the stakeholders, which in this case is community involvement to contribute to creating stability, security and environmental order. In this regard, the community policing strategy becomes an alternative in overcoming and overcoming disturbances and threats to public security and order. The urgency and contribution of this study is that it is important to carry out community policing efforts to overcome crime and even crime in the community that can cause loss and damage in practice.

In addition to poverty which has the opportunity to emerge social diseases of society (Priyanto, 2012), the dynamics of modern society and trends in people's social lifestyles also lead to consequences for changes in the criminal acts of an increasingly developed and developing society. Changes not only in the context of crime support systems, but also in the expansion of crime areas. In the context of technology, for example, along with advances in this aspect, criminal and criminal activities also follow the trend of progress. Many criminals use technology as a supporting tool in committing crimes. One significant impact occurs in the form of high losses experienced by both victims and law enforcement at the cost of both prevention or enforcement of crime and crime (McCollister et al, 2010). In addition to costs, other impacts are in the form of disruption of security stability and social order of the community which then has a domino effect on other aspects.



Figure 4.1: Crime Graph 2013-2022

Source. [https://pusiknas.polri.go.id/data\\_kejahatan](https://pusiknas.polri.go.id/data_kejahatan)

In the last 10-year period, crime rates have continued to increase both in substance and crime areas. Since 3 years 2013, there have been a total of 1,232,037 crimes or an average of 120 thousand cases per year. In addition, in a study conducted by Tutrianto (2018), it was explained that the history of crime in Indonesia predominantly only occurred in urban areas and densely populated slum pockets in the 1990s. This is due to the mindset that the city as a new population center and economic center in those years had an impact on the interest of a number of parties to carry out criminal activities (Blumer, 1984). However, along with the development of the era and after the reform era, where there was a pattern of transition in the structure of society, crime began to expand along with the socio-economic development of territorial aspects.

Rural communities, which in the past were attached to the stigma of being weak in terms of economy, today also experience the impact of higher crime. In addition to changes in the pattern of social structure of rural communities, villages have also changed, especially in terms of community economy, development, lifestyle, to mindset in socializing and carrying out daily activities

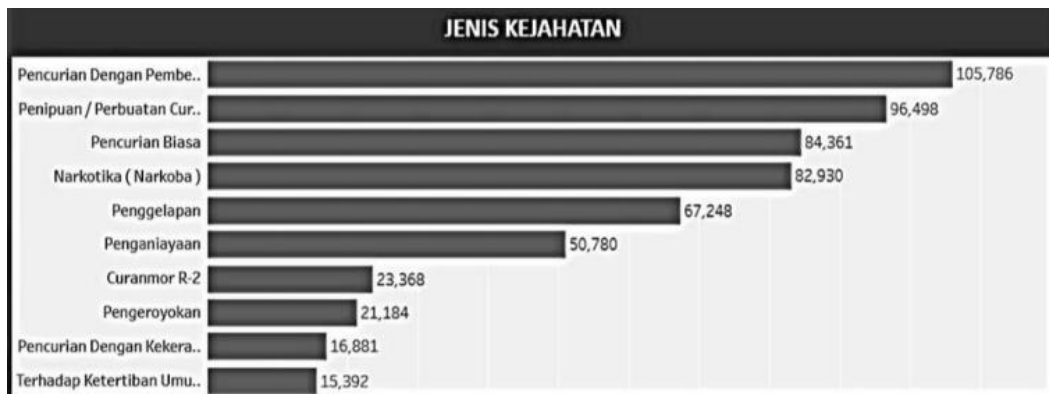


Figure 4.2: Types of Crimes 2013-2022 (last 10 years)

Source. [https://pusiknas.polri.go.id/data\\_kejahatan](https://pusiknas.polri.go.id/data_kejahatan)

The facts in the graph above reported by Pusiknas Polri show that 1,232,037 cases of crimes that occur are very diverse 4 ranging from theft with aggravation, fraud, ordinary theft, drugs, embezzlement, molestation, and so on to disturbances in public order. In several studies conducted, all crimes mentioned above not only occur in urban areas and economic centers, but also all areas including villages and remote areas (Adnyana & Setiabudhi, 2020; Rifa'i, 2018).

Kamtibmas disorders in 2020 in February there were 17,411 cases, in March there were 20,845 cases. The cases include crimes, violations, disturbances and disasters. The increase in Kamtibmas disturbances in March 2020 reached 19.72%. The types of Kamtibmas disorders such as disturbances to people, discovery of corpses, suicide, accidents, fires and losses. In 2020, there were 4,933 cases of kamtibmas disturbances, an increase of 106% from 2,395 cases in 2019.

The number of criminal acts in 2021 was 4,184 cases, when compared to 2020 of 4,368 cases, it decreased by 184 cases (4.21%); The settlement of criminal acts in 2021 was 3,577 cases, when compared to 2020 of 3,836 cases, it decreased by 259 cases (6.7%); The percentage of criminal settlements in 2021 was 85%, while in 2020 it was 87%, so it decreased by 2%;

Kamtibmas disorders in the Indonesian region have increased, in general the trend of kamtibmas disorders has increased by 860 events or 104.50%. A total of 823 incidents on Sunday, September 12, 2022, while on Monday, September 13, 2022, there were 1,683 incidents, with details of crimes as many as 1,639 incidents, minor criminal offenses of 26 incidents, disasters of 4 incidents, and disturbances to peace / order as many as 14 incidents.

The Head of the Police Public Relations Division detailed that for crimes in quantity, there was an increase of 860 cases or 110.40%. On Sunday, September 11, 2022 and 779 cases on Monday, September 13, 2022 there were 1,639 cases. When viewed from the trend data on the type of crime, the Police recorded 5 cases of crimes with the highest number of incidents, among others, Narcotics as many as 139 cases, Theft with aggravation (Curat) as many as 135 cases, Curanmor R2 as many as 58 cases, Theft with violence (Curas) as many as 14 cases and

Endangering public security as many as 6 cases.

In general, the trend of kamtibmas disturbances has increased by 212 cases or 20.66%, namely on Sunday, January 22, 2023 as many as 1,026 incidents and on Monday, January 23, 2023 as many as 1,238 incidents, with details of crimes as many as 1,172 incidents, minor criminal violations as many as 23 incidents, disasters as many as 17 incidents and disturbances to peace / order as many as 26 incidents. Then, for the crime trend in quantity, it increased by 202 cases or 20.82%. On Sunday, January 22, 2023 there were 970 cases while on Monday, January 23, 2023 there were 1,172 cases.

When viewed from the trend data on the type of crime, the Police recorded 5 crime cases with the highest number of occurrences, including:

1. Theft with aggravation (Curat) as many as 138 cases;
2. 72 narcotics cases;
3. Curanmor as many as 57 cases;
4. Violent theft (Curas) as many as 10 cases;
5. Gambling as many as 3 cases.

Meanwhile, related to the data from the past laka, the number of accidents that occurred was 273 incidents, with details of the death toll of 24 people, 37 seriously injured and 251 minor injuries. The material loss amounted to Rp. 798,698,000.

In addition, in a report issued by the Public Information Bureau of the Public Relations Division of the National Police, Police Headquarters (2020), kamtibmas disturbances are mostly also conventional crimes such as: a. Motor vehicle theft; b. Gambling; c. Theft accompanied by violence/aggravation; d. Persecution; e. Murder; f. Rape; g. Fraud; h. Embezzlement; i. Burning; j. Destruction; k. Counterfeiting; l. Abduction, and; m. Blackmail.

The description reinforces the assumption that disturbances to public security and order have expanded to the scope of the region in general and become a problem for the majority of parties. Today's conditions show that both in cities and villages, criminal activities can occur and be experienced by anyone, both individuals and groups (Ceccato, 2015).

The safe conditions expected by the community as the main basis for the need to self-actualize become very crucial when faced with problems that are precisely the opposite of the desired expectations. As explained based on observations by the Central Statistics Agency (BPS) that in 2020, the percentage of households that feel safe walking alone in their residential areas is 62.80 percent at the national level. So it can be said, more than half of people feel no worry when walking alone in the area where they live.

Looking at the provincial level, there is variation in the percentage of households that feel safe walking alone in their area of residence. During the 2020 period, Bali Province is the province with the largest percentage of people who feel safe walking alone in the area where they live (81.32%) followed by West Sulawesi Province (75.98%), and Yogyakarta Province (75.60%).

The province with the smallest percentage of people who feel safe walking alone 36 in the area where they live is DKI Jakarta Province (41.17%), followed by West Java Province (52.01%) and Gorontalo Province (53.36%) respectively (Directorate of Social Security Statistics, 2021).

### **3. Buildan ideal law enforcement system by the police in the future to support the maintenance of internal security stability based on Pancasila values**

Building an ideal law enforcement system by the police in the future to support the maintenance of internal security stability based on Pancasila values including; a) Strengthening the Function and Position of the National Police in the Stability of Security and Domestic Order; b) Increase Community Participation in the Field of Law Enforcement and Security of Order; c) Understanding of Communities and groups in Fostering Community Policing; d) Strengthening Kamtibmas not only boils down to crime reduction but also community empowerment; e) Building a Legal Culture of an Orderly and Law-Aware Society

The higher the level of legal awareness of the community, the more it will enable good law enforcement. Conversely, the lower the level of public legal awareness, the more difficult it will be to carry out good law enforcement. The more correspondence between laws and culture of society, the easier it will be to enforce them. Conversely, if a law is not in accordance with or contrary to the culture of the community, it will be more difficult to implement or enforce the legal regulation.<sup>30</sup>

In general, the effectiveness of a law is determined, among others, by the level of public compliance with the law, including its law enforcers. A high measure of compliance with the law is an indicator of the functioning and working of a legal system. Soerjono Soekanto interpreted high compliance with the law as a legal effectiveness because the laws that exist in society really live in society, meaning that the law really applies juridically, socialist, and philosophically. Then<sup>31,32</sup> further developments on the effective meaning of a law in the state supported by three main pillars, including; (1) Authoritative and reliable law enforcement agencies or enforcement; (2) Clear and systematic legal regulations; and (3) High public legal awareness.

According to Soerjono Soekanto, a legal method will be able to apply effectively, if its application includes philosophical, juridical and sociological enforcement. The sociological enforceability of a legal norm is strongly influenced by the level of legal awareness of the community, this contains the understanding that no matter how professional law enforcement officers are in carrying out their duties if not accompanied by public legal awareness, it will be difficult to hinder in carrying out their duties.<sup>33</sup>

Legal awareness and legal obedience are two things that determine whether or not the implementation of legislation or the rule of law is effective in society. Legal awareness, legal compliance, and the effectiveness of legislation are three interconnected elements. Often people confuse legal awareness and legal obedience, even though the two are very closely related, but not exactly the same. These two elements determine whether or not the implementation of legislation in society is effective. Low public legal awareness will hinder law enforcement.<sup>34</sup>

Culture as a habit carried out by society regarding the treatment of a rule. It can be seen whether or not there is a treatment of rules that are made habitual by the community, either good habits or those that are contrary to the rules. In general, public awareness of the law is high resulting in citizens complying with the provisions of applicable laws and regulations.

#### **D. CONCLUSION**

Conclusions that can be submitted based on the results of research and discussion include the following:

- 1) Traffic Law Regulation through the *Demerit Point System* in order to build a culture of traffic order is regulated in Police Regulation Number 5 of 2021 concerning the Issuance of Driver's Licenses promulgated on February 19, 2021. The existing regulations regarding the *Demerit Point System* (DPS) in Indonesia are actually quite systematic. So that as law enforcers in carrying out their duties, they do not experience doubts because there are clear guidelines that regulate them. *The Demerit Point System* arrangement in Indonesia applies the following points; a) Violation of 1 point including; Article 275, Article 276, Article 278, Article 282, Article 285 paragraph (1), Article 287 paragraph (3), (4), (6); Article 288 paragraph (2); Article 289; Article 290; Article 291; Article 292; Article 293; Article 294; Article 295; Article 300; Article 301; Article 302; Article 303; Article 304; Article 306:
- 2) The problems and effectiveness of Traffic Law through the *Demerit Point System* in order to build a culture of traffic order in Indonesia can be seen based on the following factors; (a) legal factors, namely regulations on the Demerit Point System that cannot be understood by the public at large, (b) law enforcement factors, namely the lack of synergy between related institutions in the implementation of the Demerit Point System, (c) limitations of budget factors and infrastructure facilities in the application of the *Demerit Point System*, (d) legal awareness factors are low awareness and compliance with public law to regulations *Demerit Point System* In order to build a culture of orderly traffic, (e) The legal culture of people who obey and obey the law for fear of sanctions is a low level of legal compliance, not because of the legal awareness that is built.
- 3) Reconstruction of Traffic Law through *Demerit Point System* for the Behavior of Motor Vehicle Drivers in order to Build a Traffic Orderly Culture is carried out in several steps as follows; (a) legal factors, namely education, socialization, publication of the Regulation on the Demerit Point System to the public at large, (b) law enforcement factors, namely Synergy between related agencies in the implementation of the *Demerit Point System*, good cooperation between the Indonesian National Police (Polri), Transportation Office, Local Government (c) Addition and strengthening of budget factors and Infrastructure Facilities in the application *Demerit Point System*, (d) legal awareness factor, namely increasing public awareness and legal compliance with *Demerit Point System* regulations in order to build a Traffic Orderly Culture, (e) Building a legal culture of people who obey and obey the law because of the awareness of Traffic Orderly law.

## Notes

- 1) Noor M. Aziz Final Report of the Legal Review Team on the Police Format RI In the future (comparison with several countries). Ministry of Law and Human Rights National Law Development Agency of the Republic of Indonesia, Jakarta, 2011, p. 11
- 2) Ibid
- 3) Ibid., p. 12
- 4) Ibid., p. 12
- 5) Fence Nawawi Arief, Potpourri of Criminal Law Policy, PT. Citra Aditya Bakti, Bandung, 2005, p. 43
- 6) Agus Riwanto and Seno Wibowo Gumbira. Politik Hukum Penguatan Fungsi Negara Untuk Kesejahteraan Rakyat (Studi Tentang Konsep Dan Praktik Negara Kesejahteraan Menurut Uud 1945) / Legal Policy Of Strengthening State Functions For People's Welfare (Concepts And Practices Study Of Welfare State Based On The 1945 Constitution). Journal of Law and Justice, Vol.6, (No.3), 2017, p. 25.
- 7) Bambang Poernomo, Legal Development in Social Order Perspective, UII Press Publisher, Yogyakarta, 1992, p.173
- 8) Satjipto Raharjo, Law Enforcement, A Sociological Review, Genta Publishing, first printing, Yogyakarta, 2009, hlm. 111
- 9) <https://www.pikiran-rakyat.com/nasional/pr-011765053/fakta-3304-pelanggaran-disiplin-dilakukan-anggota-polisi-di-tahun-2020?page=2> retrieved November 10, 2021 hit. 8:00 p.m.
- 10) Ron F. Sompie, National Police Discretion Against Perpetrators of Criminal Acts Based on Restorative Justice. Lex Librum: Journal of Legal Science, Vol.1, (No.2), 2015, p. 81.
- 11) Utami, Sumertha, Pedrason, "Preparation of Kamnas Grand Strategy for Optimization of Indonesia's National Strength", Journal of Peace and Conflict Resolution December 2019, Volume 5 No. 3, p. 21
- 12) M. Gaussyah, The Role and Position of the National Police in the Indonesian Constitutional System, Partenship Partnership, Jakarta Pp. 4
- 13) Muhammad Tito Karnavian, Hermawan Sulisty, Democrating Policing, Pencil Publisher 324, Jakarta p. 139.
- 14) Slamet Personal, Police Present, State Present, Kertha Bhayangkara | Volume 14 Number 1, January-June 2020, p. 88
- 15) Ibid
- 16) Ibid
- 17) Satjipto Rahardjo, Indonesian Police and Society - Police Image, Yayasan Obor Indonesia Jakarta, 1988, p. 174.
- 18) David H. Bayley, Police For The Future, Oxford University Press Inc. page 198 Madison Avenue, New York. first issue, Penyadur Jend Pol (Ret.) Kunarto and Mrs. Khobibah M Arif Dimiyati, Future Police, Cipta Manunggal, Jakarta, 1994, p. 241.
- 19) Peter Mahmud Marzuki, Legal Research, (Jakarta: Kencana Prenada Media Group, 2008), p. 95.
- 20) Soerjono Soekanto and Sri Mamudji, Normative Legal Research, A Brief Review, Jakarta : Raja Grafindo Persada, 2011.
- 21) Jhonny Ibrahim, "Theory and Research Method of Normative Law Bayu Media" (Surabaya, 2015).
- 22) Ani Purwati, "Legal Research Methods Theory & Practice" (Jakad Media Publishing, 2020).



- 23) Djunaidi Maskat H, 1993, Police Management Theory and Practice Volume I (Planning), equipped with various examples of Various Plans Form Formats, Bandung, Sanyata Sumanasa Wira Publisher, Lembang, p.22
- 24) Satjipto Rahardjo, Law Enforcement: A Sociological Review. (Yogyakarta: Genta Publishing, 2009), p. 24.
- 25) Pudi Rahardi, 2007, Police Law (professional and police reform), Laksbang Mediatama, Surabaya, p. 28.
- 26) Sadjijono, 2006. Police Law, Laksbang Pressindo, Yogyakarta, p. 118.
- 27) Suwarni, 2009, Police Behavior, Nusa Media, Bandung, p. 73.
- 28) Suwarni, 2009, Police Behavior, Nusa Media, Bandung, p 75.
- 29) Wahyono, 2011, "Dynamics of Police Function and Its Relationship with Community Policing Program", Perspective, Volume XVI No. 3 of 2011 May Edition p. 163.
- 30) Soerjono Soekanto, Factors Affecting Law Enforcement, Cet Lima, Rajawali, Jakarta 2004, p.,8.
- 31) Soerjono Soekanto, Some Socio-Juridical Aspects of Society, Bandung: Alurni, 1983. p. 62.
- 32) Soerjono Soekanto, Sociology of Law in Society, Jakarta: Rajawali, 1987, p. 20
- 33) Soerjono Soekanto, Factors Affecting Law Enforcement (Jakarta: Rajagrafindo Persada, 2014).
- 34) Soekanto.

#### Bibliography

- 1) Noor M. Aziz. 2011. *Final Report of the Legal Review Team on the Future Police Format of RI (Comparison with Several States)*. Jakarta: Ministry of Law and Human Rights National Law Development Agency of the Republic of Indonesia
- 2) Barda Nawawi Arief. 2005. *Potpourri of Criminal Law Policy*. Bandung: PT. Citra Aditya Bakti
- 3) Agus Riwanto and Seno Wibowo Gumbira. 2017. *Legal Policy of Strengthening State Functions for People's Welfare (Concepts and Practices Study of Welfare State Based on the 1945 Constitution)*. Journal of Law and Justice, Vol.6, (No.3), 2017, p. 25.
- 4) Bambang Poernomo. 1992. *Legal Development in Social Order Perspective*. Yogyakarta: UII Press Publishers.
- 5) Satjipto Raharjo. 2009. *Law Enforcement, A Sociological Review*, .Yogyakarta: Genta Publishing, first printing.
- 6) People's Mind. 2020. Fdeed of disciplinary violation committed by police officers in 2020. Retrieved from <https://www.pikiran-rakyat.com/nasional/pr-011765053/fakta-3304-pelanggaran-disiplin-dilakukan-anggota-polisi-di-tahun-2020?page=2>
- 7) Ronny F. Sompie. 2015. *National Police Discretion against Perpetrators of Criminal Acts Based on Restorative Justice*. Lex Librum: Journal of Legal Science, Vol.1, (No.2), 2015, p. 81.
- 8) Utami, Sumertha, Pedrason. 2019. "Preparation of the National Kamnas Grand Strategy for the Optimization of Indonesia's National Strength", Journal of Peace and Conflict Resolution December 2019, Volume 5 Number 3, p. 21
- 9) M. Gaussyah. 2014. *The Role and Position of the National Police in the Indonesian Constitutional System*. Jakarta: Partenship Partnership.
- 10) Muhammad Tito Karnavian, Hermawan Sulisty. 2017. *Democrating Policing*. Jakarta: Pencil Publishers 324.

- 11) Slamet Private. 2020. *Police Present, State Present*. Kertha Bhayangkara | Volume 14 Number 1, January-June 2020, p. 88
- 12) Satjipto Rahardjo. 1988. *Indonesian Police and Society - The Image of the Police*. Jakarta: Yayasan Obor Indonesia.
- 13) David H. Bayley. 1994. *Police for the Future*. Madison Avenue, New York: Oxford University Press Inc. first issue, Penyadur Jend Pol (Ret.) Kunarto and Mrs. Khobibah M Arif Dimiyati. 1994. *The Police of the Future*. Jakarta: Cipta Manunggal.
- 14) Peter Mahmud Marzuki. 2008. *Legal Research*. Jakarta: Kencana Prenada Media Group.
- 15) Soerjono, Soekanto and Sri Mamudji. 2011. *Normative Legal Research. A brief review*. Jakarta : Raja Grafindo Persada.
- 16) Jhonny Ibrahim. 2015. *Normative Legal Theory and Research Methods*. Surabaya: Bayu Media.
- 17) Ani Purwati. 2020. *Legal Research Methods: Theory & Practice*. Surabaya: Jakad Media Publishing.
- 18) Djunaedi Maskat H. 1993. *Police Management Theory and Practice Volume I (Planning), equipped with various examples of Forms of Various Plans*. Bandung: Sanyata Sumanasa Wira Publisher.
- 19) Satjipto Rahardjo. 2009. *Law Enforcement: A Sociological Review*. Yogyakarta: Genta Publishing. 2009.
- 20) Pudi Rahardi. 2007. *Police Law (professional and police reform)*. Surabaya: Laksbang Mediatama.
- 21) Sadjijono. 2006. *Police Law*. Yogyakarta: Laksbang Pressindo.
- 22) Suwarni. 2009. *Perilaku Police*. Bandung: Nusa Media.
- 23) Wahyono. 2011. *Dynamics of police functions and their relationship with community policing programs*. Perspective, Volume XVI No. 3 of 2011 May Edition p. 163.
- 24) Soerjono Soekanto. 2004. *Factors Influencing Law Enforcement*, Fifth Cet. Jakarta: Rajawali.
- 25) Soerjono Soekanto. 1983. *Some Socio-Juridical Aspects of Society*. Bandung: Alumni.
- 26) Soerjono Soekanto. 1987. *Sociology of Law in Society*. Jakarta: Rajawali.
- 27) Soerjono Soekanto. 2014. *Factors Influencing Law Enforcement*. Jakarta: Rajagrafindo Persada.