

TREATMENT STRATEGIES DEMONSTRATION OF THE OMNIBUS LAW IN A DEMOCRATIC POLICING PERSPECTIVE

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ABSTRACT

This research aims to analyze the handling of omnibus law demonstrations using a democratic policing approach. Democratic Policing (Democratic Policing) should be a consequence of the Polri reform agenda, a reformative agenda regarding the posture of the Polri in the political system of the Republic of Indonesia, covering the culture of Polri personnel in the implementation of national security. This research is qualitative. The results of this research explain the efforts that have been made by Polda Metro Jaya in handling the Omnibuslaw demonstration, namely; a) Pre-emptive efforts to provide advice to protesters about good demonstration procedures and inform the relevant agencies that are the target points for demonstrations and/or demonstrations, b) preventive efforts have been carried out by the Police in carrying out their duties by fixed procedures (Protap). This is intended so that the police, both individuals and units, in taking action are not seen as excessive by the public.

Keywords: *strategy, handling demonstrations, omnibus law*

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INTRODUCTION

As law enforcement officers as mandated in Law Number 2 of 2002 concerning the National Police, the National Police has the duty and responsibility to maintain security and order in society. The National Police is given roles, duties, and obligations as a security element. To fulfill these work demands, interests, and abilities, the Police must be able to act, desire, and work well and neutrally in their existence, role, and duties. In its appearance, the National Police is also required to be able to play an independent, proportional, and professional role (Trinkner et al., 2016).

At a minimum, the National Police in carrying out law enforcement to maintain security and order in society must consider the following things. First, the concept of law enforcement is total (total enforcement concept). This demands that everything be considered without exception. Second, law enforcement is full (full enforcement concept). It needs to be realized that the total concept needs to be limited by procedural law. Third, the concept of actual law enforcement which emerged after there was discretion in law enforcement (Pada et al., 2022).

Apart from that, the National Police as one of the pillars of democratic life cannot avoid state and citizenship issues. This is very important because the National Police are required to maintain neutrality and work professionally and are required to understand aspects of state constitutionality, state institutions, government functions, state goals, and society as citizens. Thus, the position as a citizen and also as a law enforcement officer becomes very firm, regarding their rights, obligations, and responsibilities (Handoko, 2022).

One example of a large demonstration in 2020 was a demonstration against the omnibus law. On 06 – 08 October 2020, a large wave of demonstrations against the ratification of the Omnibus Law occurred in 60 cities/districts spread across more than 20 provinces in Indonesia. The demonstrators demanded that the government cancel the Omnibus Law and issue a

government regulation in lieu of the Law, aka PERPU. Meanwhile, demonstrations in Jakarta were prevented due to social restrictions and pandemic reasons. But in the end, the demonstration still took place. The demonstrators held an action around the state palace. The action was attended by 5,000 students from 300 campuses (Dimas Kamaswara Putra & Aziz Taufik Hirzi, 2022; Munita Sari et al., 2021).

Then, based on the 2020 National Police Mobile Brigade Corps (Brimob) assignment data, escorting activities with large crowds carried out by security and law enforcement by Brimob include:

Table 1. Assignment to the National Police Mobile Brigade Corps in 2020 In Securing the Omnibus Law

| NO | ASSIGNMENT | PRESS NUMBER |
|-----------|-------------------|---------------------|
| 1. | August 25, 2020 | 1118 Personnel |
| 2. | October 5, 2020 | 990 Personnel |
| 3. | October 6, 2020 | 1120 Personnel |
| 4. | October 7, 2020 | 1120 Personnel |
| 5. | October 8, 2020 | 1120 Personnel |
| 6. | October 9, 2020 | 1100 Personnel |
| 7. | October 10, 2020 | 1110 Personnel |
| 8. | October 11, 2020 | 1115 Personnel |
| 9. | October 12, 2020 | 1115 Personnel |
| 10. | 13 October 2020 | 990 Personnel |
| 11. | October 20, 2020 | 1115 Personnel |

From the data above, it can be seen that the number of Mobile Brigade Unit (Sat Brimob) personnel assigned to the jurisdiction of Polda Metro Jaya, where the highest number of personnel deployed was 1120 on 6-8 October 2023. This date was the peak of the rejection of this Law regarding Omnibuslaw being stipulated. In this assignment, each personnel has their task specialization, where in carrying out their duties, Brimob has seven abilities, while the seven abilities of Brimob Polri are:

- a. Riot Management (PHH)
- b. Car Investigation (Resmob)
- c. Jihandak/Jibom (explosive disposal/bomb disposal)
- d. Terror resistance (Wanteror)
- e. Search and Rescue (SAR)
- f. Anti-guerrilla guerrilla (GAG)
- g. Chemical, Biological, and Radioactive (KBR)

Of the seven capabilities of the National Police Mobile Brigade, one of the capabilities that requires a lot of personnel is riot management. Riot activity is an event carried out by one or many groups in the form of a demonstration or demonstration which then turns into anarchy, namely in the form of acts of chaos, rioting, and breaking the law. Riot Management, which can be abbreviated as PHH, is an activity or method to anticipate or deal with mass riots or riots that aims to protect citizens from mass riots. PHH is one aspect of the National Police's capabilities, especially for Brimob which requires quite a large number of human resources (Puspitasari & Okitasari, 2021).

The police (policing function) is part of government affairs in a society that is increasingly complex, experiencing differentiation and specialization. The police are an institution that maintains public order and protects people and their property from public disturbances, dangerous situations, and unlawful actions. UU no. 2/2002 regulates institutional aspects and positions, structure, duties, functions, authority, work procedures, and ways of acting, as well as guidance within the National Police, and the relationship between the National Police and other police communities (Falaakh & Sari, 2007). Is the regulatory framework sufficient to facilitate the National Police to achieve democratic policing? Referring to the experience of South Africa, a country which also transformed its police force into a democratic regime, which accommodates five important issues in democratic policing; (Bruce & Neild, 2005; Falaakh & Sari, 2007).

- a. Protecting democratic political life: the police must protect human rights which are important to be realized in advancing democratic life (for example: socio-political rights);
- b. Governance, accountability, and transparency: the functioning of the police must be based on the principles of good governance;
- c. Service delivery for safety, justice, and security: various police services that must be provided for the sake of public safety, justice, and security;
- d. Proper police conduct: the police must act according to the principles and order of a democratic regime, and for this reason appropriate regulations, direction, support, and mechanisms are needed from political authorities in the police sector;
- e. Police as citizens: the police also have the right to legal rights and treatment by the implementation of their noble duties for society, including obtaining decent working conditions.

The process of securing a demonstration against the Omnibuslaw law is certainly not an easy matter for the National Police Mobile Brigade Unit personnel at Polda Metro Jaya. Considering the large number of demonstrators, preventive measures are needed so that the demonstration process can run peacefully without any chaos or anarchy. Based on the explanations above.

METHOD

This research is qualitative. What is meant by qualitative research is research that intends to understand the phenomena experienced by research subjects holistically, using descriptions in the form of words and language, in a special natural context, and by utilizing various scientific methods (Moleong, 2018).

The type of approach to this research is exploratory. According to Arikunto (2010), exploratory research is research that attempts to explore the causes of something happening. Exploratory research also seeks to dig up new knowledge to find out a problem that is or could occur. In addition, with a qualitative approach, it is hoped that it can reveal the situation and problems faced in the use of social media as a way for young female leaders to carry out campaigns. social (Moleong, 2018)

Primary data in this research was obtained through direct interviews conducted with sources. Apart from interviews, primary data sources were obtained from researchers' notes while in the field, demonstration security reports, demonstration security evaluations, and so

on. Meanwhile, secondary data was obtained through research results from journals about demonstrations, related books, and documentation related to demonstrations.

RESULTS AND DISCUSSION

Police operations are a process in which there is preparation, planning, organizing, implementation, and control to carry out police operational activities to achieve predetermined goals effectively and efficiently. The operational management of the National Police is regulated in the Republic of Indonesia State Police Regulation (Perkap) No. 9 of 2011 concerning Police operations management which refers to determining targets, operating times, determining how to act, involving force, supervision, and control (Astor, 1978).

Target setting is an activity carried out through planning based on the results of special estimates (kirsus) carried out by National Police intelligence which is then continued by determining the targets or objects to be faced. Operation time is the amount of time required to carry out police operational activities. In determining how to act, a process is regulated in determining the sequence of police actions that will be used to carry out the police operation, taking into account all risks that may be faced (Suparman & Septiadi, 2021).

Ways of acting include pre-emptive, preventive, repressive, curative, and rehabilitative. This method of action is regulated based on each work unit's function, both technical and tactical, with the involvement of organized forces. The involvement of the police force must pay attention to the targets to be addressed, how to act, personnel capabilities, facilities, and infrastructure as well as the available budget. The types of operations carried out by the National Police are divided into centralized operations and regional operations. Centralized operations are operational activities whose implementation is carried out by the National Police Headquarters, while regional operations are operational activities that are carried out by the Regional Police and Regional Police. In police operations that are carried out as open operations, they can be publicized by prioritizing pre-emptive and preventive actions. Police operations can also be closed and published only to a limited extent whose actions prioritize the intelligence function (Uriely et al., 2011).

Police operations are divided into several forms, including police operations, security operations, security maintenance operations, law enforcement operations, security recovery operations, and contingency operations. Intelligence operations are carried out by the intelligence function which is regulated by its own closed and secret regulations. Activity security operations are operations carried out to secure community activities that have the potential to cause real security disturbances and can disrupt or hamper the economic system in government. Security maintenance operations are operational activities that prioritize preventative and deterrence measures by prioritizing community development activities to increase public awareness and participation with pre-emptive, preventive, and repressive measures enforcement operations are police operational activities carried out by dealing with various security disturbances in the form of conventional, transnational crimes, and crimes against state assets as well as contingent crimes by implementing repressive measures. Security restoration operations are operational activities carried out to restore the security situation and public order that have been disrupted due to widespread conflict. Meanwhile, contingency operations are police operational activities in dealing with incidents/events that arise because the conflict occurs suddenly develops widely, and disrupts the stability of domestic security.

In handling large omnibus law demonstrations in 2020, Polda Metro Jaya used a democratic policing strategy as an approach to dealing with demonstrators. Efforts to handle demonstrations The omnibus law uses a democratic policing perspective, meaning that the police in providing security for demonstrations must work by democratic principles. This means that in the operational context, the police must be trained in legal matters, must understand international human rights standards, and must act by the Criminal Code. Apart from that, the operations carried out must be regulated by written policies that can be easily accessed by the public. In other words, the management, execution, and formation of all police activities must reflect a commitment to the " rule of law" (Spencer, 1964).

Concretely, the Police took pre-emptive action as the initial action taken by the Police in giving an appeal and approaching the demonstration group to demonstrate in an orderly manner, then taking preventive action such as guarding the targets of the demonstration and taking repressive action such as stopping activities. whole demonstrations when the demonstrations get out of control and lead to anarchy. The police's efforts in handling anarchist demonstrations include increasing the professionalism of police officers in securing demonstrations, coordinating with agencies, and providing legal education to the public, especially regarding procedures for demonstrations.

In line with thinking Bradford & Quinton's (2014) conception of the Principles of Democratic Policing can be described as follows:

1. The police must work by democratic principles, namely being professional, understanding human rights standards, and acting by applicable legal provisions.
2. The police, as the holders of the community's mandate, should all their actions be professional, refer to the law, and uphold the ethical values and norms that apply in society and institutions.
3. The police must have top priority in securing and protecting people's lives.
4. The police always serve the community selflessly and are responsible to the community.
5. That the protection provided by the police to life and property is the primary function of other police operations.
6. Police actions must be by human dignity and human rights.
7. In carrying out their duties, the police should act neutrally and have no discriminatory attitude.

Democratic policing is: First, subject to legal regulations that embody values that respect human dignity (HAM), not the wishes of the leader or party in power. Second, it can intervene in the lives of citizens only in limited and carefully controlled circumstances and Third, it is openly responsible.

CONCLUSION

The efforts that have been made by Polda Metro Jaya in handling the Omnibuslaw demonstration are; Pre-emptive efforts to provide advice to protesters about good demonstration procedures and inform the relevant agencies that are the target points for demonstrations and/or demonstrations. Preventive efforts have been carried out by the Police in carrying out their duties by fixed procedures (Protap). This is intended so that the police, both individuals and units, in taking action are not seen as excessive by the public. Repressive efforts are the last action of the Police when demonstrations are no longer under control and

have led to riots. The Police also made several efforts, namely by increasing the professionalism of Police members, coordinating with related agencies, and providing legal education to the community. In general view, the challenge towards ideal policing is often described as democratic policing. Democratic policing is expected to be able to manage various conflicts in Indonesia

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