



## Reformation on the role and responsibilities of the pamong praja police in the enforcement of regional rule of batam city number 16 of 2007 concerning general-based provisions and regulations

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### Abstract

Indonesia recognizes a unit of special police which is under the jurisdiction of the regional government known as the Civil Service Police Unit or *Satuan polisi Pamong Praja or Satpol PP*. This squad assumed the role and responsibilities of maintaining peace and public order, civil service police unit faced with the problem of unequal legal substance, the legal structure and legal culture in Indonesia. Because it is necessary for the reconstruction of the roles and responsibilities of Civil Service Police Unit, in order to function maintain peace and public order can work well.

To be able to analyze the subject matter well, the authors in conducting research adheres to the paradigm of constructivism, using sociological juridical legal research. Research data sources consist of primary data sources and secondary data sources, and qualitative descriptive analysis

The results of research show that to be able to create the effectiveness of the role of the Batam City Satpol PP in upholding Perda Number 16 of 2007 is to reconstruct a new Perda supporting the role of the Batam City Satpol PP in upholding Perda Number 16/2007 which includes issues related to welfare and carrying capacity to the Batam City Satpol PP and reconstructing the management of the Batam City Satpol PP institution

**Keywords:** Reformation, pamong praja, regulation, responsibilities

### Introduction

The administration of the government of the State of Indonesia changed radically from authoritarian centralism to democratic decentralization. In the history of the administration of regional government, since the enactment of Law Number 5 of 1974 concerning the Principles of Regional Government, then replaced with Law Number 22 of 1999 concerning Regional Government and subsequently replaced by Law Number 32 of 2004 concerning Regional Government, and then replaced by Law Number 23 of 2014 concerning Regional Government, the Regional Government acts as a subdivision of the central government. This means that the regional government as part or subsystem of the national government system. So between the central government and regional governments there are inter-governmental relations that are intertwined intertwined to form a unified national government <sup>[1]</sup>.

Based on the relationship between the central government and regional governments, there are classifications of government affairs consisting of absolute government affairs, namely government affairs which are fully the authority of the central government covering foreign policy, defense, security, justice, monetary and national fiscal, and religion. In addition to the absolute governmental affairs above, those matters are concurrent governmental affairs which are governmental affairs which are divided between the central government and the provincial and district/city regions. Concurrent government affairs are left to the

regions as the basis for implementing regional autonomy <sup>[2]</sup>. Based on data from the Regional Regulation Raids Activity Report in the 2017 State Apparatus Resources by the Civil Service Police Unit it can be seen that there are various numbers of order violations by the people of Batam City in the form of 540 violations for violations of population administration order, 345 violations for violations of public order and 10 violations for licensing violations, in addition to the abovementioned violations there are also violations committed by students in the form of violations not being in school during school hours but in an internet cafe or internet cafe with 80 students as many violators and in 2018 the number was reduced to 58 people <sup>[3]</sup>. Then in 2018 Local Regulation Raids Activity Reports in Apparatus Resources, data on violations of regional order can also be seen in the form of 39 violations for violations of business licenses and 45 violations for violations of public order, and 8 violations for violations on construction building.

This shows that the role of the civil service police unit was not significantly supported by the people of Batam City. Related premises in this issue is policing models based on local wisdom by way of negotiations between the units of the police officials of the civil and public becomes a pretty good alternative in the midst of public support for the issue of units of the police officials of the civil this time. In connection with the fact that the above, the authors think

<sup>1</sup> Friedman Lawrence M. *The Legal System: A Social Science Perspective*, New York: Russel Sage Foundation, 1975.

<sup>2</sup> David Firna Setiawan, Toebagus Galang Windi Pratama, Aryan Eka Prastya Nugraha, Ibnu Fatkhu Royana. *Analisis Peran UU No 6 Tahun 2014 di Dalam Mewujudkan Administrasi Desa yang Efektif dan Efisien*, Jurnal Dinamika. 2018; 3(2):2018.

<sup>3</sup> Satuan Polisi Pamong Pelajar, *Laporan Operasi Raziah Penyakit Masyarakat*, Satpol PP, Batam, 2018.

there needs to be more studies in the related case is to in a study that was poured on the article scientific is the fundamental problem that is how reform the Roles And Responsibilities of the Satpol PP in Enforcement Regulation Batam No. 16 2007 About Peace and Public Order Based on Justice.

### Method of research

To be able to analyze the subject matter well, the authors in conducting research adheres to the paradigm of constructivism, using sociological juridical legal research. Research data sources consist of primary data sources and secondary data sources, and qualitative descriptive analysis [4].

### Research result and discussion

With regard to concurrent governmental affairs, namely in terms of peace, public order and community protection, the Preamble to the 1945 Constitution of the Republic of Indonesia has stipulated the purpose of the Republic of Indonesia to protect all Indonesians and all Indonesian brethren, to promote public welfare, improve the life of the public nation and participate in carrying out world order based on freedom, eternal peace and social justice. In connection with the mandate of the constitution, it is necessary to conduct a planned and integrated training in order and order in the regions. According to Article 255 paragraph (1) of Law No. 23 of 2014 on Regional government stated that "police forces of the civil service was established to enforce the regulations and perkada, organizing public order and tranquility, as well as organizing the protection of society." This point stems from the provisions of Article 255 paragraph (2) of Law Number 23 Year 2014 concerning Regional Government, the civil service police unit is given the authority to:

1. Conduct non-judicial control measures against members of the community, apparatus, or legal entities that violate the Regional Regulations and/ or Regional Regulations;
2. Acting on a community member, apparatus or legal entity that disturbs public order and public order;
3. Carry out investigative actions against members of the public, apparatus or legal entity suspected of committing violations of Regional Regulations and/or Regional Regulations; and
4. Carry out administrative actions against members of the public, apparatus, or legal entities that violate local regulations and/or local regulations.

This was later confirmed in Article 4 of Government Regulation No. 6 of 2010 concerning the Civil Service Police Unit, which states that "the civil service police unit has the task of enforcing local regulations and carrying out public order and public tranquility and community protection". In carrying out the tasks referred to in Article 4, the civil service police unit has the function as stipulated in Article 5 of Government Regulation Number 6 of 2010 concerning Civil Service Police Unit:

1. Preparation of programs and implementation of law enforcement, implementation of public order and public peace and, community protection.
2. Implementation of regional regulations and regional

head regulations.

3. Implementing policies for the implementation of public order and community peace in the regions.
4. Implementation of community protection policies.
5. Implementation of coordination of enforcement of regional regulations and regional head regulations, implementation of public order and public peace with the Republic of Indonesia National Police, regional Civil Servant Investigators, and/or other apparatus.
6. Supervision of the community, apparatus or legal entity in order to comply with and obey the Regional Regulations and regulations of the regional head.
7. Performing other tasks given by regional heads.

In order to realize the Government Regulation of the Republic of Indonesia Number 6 of 2010 concerning the Civil Service Police Unit, through the Batam City Regional Regulation Number 6 of 2013 concerning the Organizational Structure and Work Procedure of the Batam Municipal Civil Service Police Unit, a Civil Service Police Unit was formed within the Batam City area. In Article 3 paragraph (1) of Batam City Regional Regulation Number 6 of 2013 concerning the Organizational Structure and Work Procedures of the Batam Municipal Civil Service Police Unit, it is stated that "the civil service police unit is part of the regional apparatus in the field of enforcement of Regional Regulations, public order and general peace".

While in Article 4 of the Regulation of City of Batam No. 6 of 2013 on the Organizational Structure and Work Procedure of Civil Service Police Unit of Batam, mentioned that "Civil Service Police Unit has a task of enforcing the regional regulation and conduct of public order and peace and the protection of society." In local law enforcement efforts by the Civil Service Police Unit particularly the Enforcement of Batam City Regional Regulation Number 16 of 2007 concerning Peace and Public Order Based on Local Wisdom, in its development the role of the civil service police unit is very important in creating an area free of disturbances in the form of acts perversity by society, mainly the violation of norms-norms of social or action often referred to as the ills of society.

Actions in the form of gambling, immoral acts, the spread of tankers, and homeless people to the placement of illegal traders who can disrupt the function of public facilities are violations that need to be handled by each region in Indonesia in order to expedite the process of regional development from all aspects contained in the region. Such violations have links closely to the role of unit of police civil service in an effort to enforce it, but the role of the police force of the civil service is not uncommon for them to use violent means that often lead to conflicts in the process of curbing such violations. This resulted in not effectively reducing the diseases of the community. The form of assignment or assignment of the civil service police unit also requires measurable "technical guidelines and Field Guidelines" that are in accordance with or not in conflict with various applicable laws and values adopted in a democratic country. It is very much needed so that the existence of an institution that is part of the bureaucracy which is paid with public tax money does not turn against the people's rights themselves.

The bad paradigm of the community will be the civil service

<sup>4</sup> Bertalanffy, Ludwig Von. General System Theory, Foundation Development Application, Penguin Books, Middlesex, 1971.

police unit has resulted in many people making the civil service police unit an enemy of the community and making resistance which is not infrequently anarchist. This happened in the Batam City area, although the data from the civil service police unit showed a good change in the issue of controlling social order violations in the Batam City community but did not effectively reduce the number of violations in the form of community diseases in Batam City. This can be seen that the number of controlling public diseases is 251 people and in 2015 it only decreased to 246 people <sup>[5]</sup>.

Based on data Reports Results Activity on Raid regulation by the Human Resources Apparatus Year 2017 by the Civil Service Police Unit can be seen that there are various number of violations of order in Batam in the form of 540 violations for violations of the administrative order of population, 345 violations for violations against public order and 10 violations for licensing violations, in addition to the abovementioned violations there are also violations committed by students in the form of violations not being in school during school hours but in an internet cafe or internet cafe with 80 students as many violators and in 2018 the number reduced to 58 people <sup>[6]</sup>. Then in 2018 Local Regulation Raids Activity Reports in Human Resources Apparatus, data on violations of regional order can also be seen namely 39 violations for violations of business licenses and 45 violations for violations of public order, and 8 violations for violations of order building construction <sup>[7]</sup>.

Based on the data above, it can be concluded that there are still many violations of local regulations and the problem of community diseases in Batam City. Even though the number of Batam People violations in 2016 decreased to 62 violations. But apparently there are still big problems both in aspects of violations of the law to the disease of the community. This shows that the role of Satpol PP has not been very effective.

Based on the explanation, the factors that caused the ineffectiveness of the roles and responsibilities of the Civil Service Police Unit were carrying out their duties, namely:

### **1. Issues of Community Understanding of Regional Regulations**

The public's lack of understanding of the content and mandate of each regional regulation results in frequent conflicts between regional communities and the Civil Service Police Unit when enforcement of violations of local regulations has been made, in addition it has been explained above that there are phenomena of local regulations that are far from the aspirations and needs of local communities, this problem also resulted in conflict between the local community and the Civil Service Police Unit.

### **2. The Problem of Community Understanding of the Duties and Functions of the Civil Service Police Unit**

In addition to this, not many people know the functions and duties of the Civil Service Police Unit clearly as explained above. This issue has resulted in a negative view of the Civil Service Police Unit, in addition to the approach that has so

far been impressed by prioritizing violence resulting in more antipathy towards the Civil Service Police Unit in the region.

### **3. The issue of conflict of authority between the Civil Service Police Unit and other law enforcement institutions related to issues of public order**

If you look at the authority of the Civil Service Police Unit which is also owned by other relevant law enforcers, it results in a clash and competition of authority among law enforcement officials in the field of enforcement of regulations and public order, as an example of the investigation and confiscation of evidence carried out by the Civil Police Unit related to disturbance public order in the form of prostitution and alcohol problems, often clashes with the police who also have the authority to investigate criminal acts of alcohol and prostitution.

In addition to factors of the performance aspects of the Civil Service Police Unit there are other factors in the form of:

#### **1. Regulations regarding the status and position of the Civil Service Police Unit are relatively minimal**

The problem of lack of regulation is seen when the Civil Service Police Unit has to deal with community elites and regional bureaucratic elites which in carrying out their duties the Civil Service Police Unit must be preoccupied with the issue of echelonization, besides that it has been explained above often violations of local regulations and public order have a blurred status. that is, on the other hand requires that the Civil Service Police Unit act according to its main function, but on the other hand it is also included in the field of conventional violations and crimes involving other law enforcers that result in clashes and competing authorities which often make the position of the Civil Service Police Unit not clearly have full authority.

#### **2. Personnel Police Unit personnel are still limited**

Steven Golub stated that the existence of the concept of *rule of law* or *rechtstaat* which was born from the universe of *human rights* resulted in developing countries or the third country having problems in the form of a lot of legal issues so as to form a legal jungle that resulted in *legal gaps* between the regulation regulation to the level of implementation of inter-regulation in the community <sup>[8]</sup>. This problem also occurs with the Civil Service Police Unit, the number of local regulation regulations causes the number of work tasks of the Civil Service Police Unit to increase, this has implications for the number of Civil Service Police Unit personnel needed, in fact the number of personnel in the Civil Service Police Unit is still very less than the number of work assignments by the Civil Service Police Unit <sup>[9]</sup>.

#### **3. Human Resources Civil Service Police Unit is still minimal**

As an enforcing agency for the Civil Service Police Unit Perda should have personnel who have certain competence,

<sup>5</sup> Satuan Polisi Pamong Praja Kota Batam, 2016, *Kegiatan Satpol PP Tahun 2006-2015*.

<sup>6</sup> Satuan Polisi Pamong Pelajar, 2018, *Laporan Operasi Raziah Penyakit Masyarakat*, Satpol PP, Batam.

<sup>7</sup> *Loc, cit*.

<sup>8</sup> Satjipto Rahardjo, *op, cit*, p. 112

<sup>9</sup> *Mimbarhukum.blogspot.co.id, Peran Satpol PP Dalam Menegakkan Perda*, Accessed on 20-04-2017

quality and expertise in the field of advocacy and enforcement of Perda in Local Communities. In its development, various problems of conflict between the community and the Civil Service Police Unit indicated that the advocacy ability of the Civil Service Police Unit was still lacking, as well as the ability in the legal field when dealing with other law enforcers.

**4. There is no good partnership between the Civil Service Police Unit and the local community**

There are so many problems of violence committed by the Civil Service Police Unit when policing in the community against a group of people who unconsciously violated the Law of Order resulted in the Civil Service Police Unit violating human rights, human rights violations by the Civil Service Police Unit when carrying out their duties, especially related to Article 11 of the Law Law Number 39 Year 1999. Article 11 of Law Number 39 Year 1999 states that "every person has the right to fulfill his basic needs to grow and develop properly." That is because in disciplining illegal street vendors with a violent approach by the Civil Service Police Unit has resulted in violation of the right of every person to fulfill their basic needs to grow and develop properly. This shows that the partnership relationship does not yet exist between NGOs (Non-Governmental Organizations), the Community, and the Civil Service Police Unit.

Based on the classification of the above problems, it can be stressed that there is a need to reconstruct the role of the Batam City Satpol PP in enforcing Regional government regulation No. 16/2007, while the reconstruction can be divided into several aspects, namely:

**1. Reconstruction in the Field of Legal Regulations**

If you look at the previous explanation related to the problem on the aspects of the Regional Regulation and Regional Regulation and the factors that influence the problem of the normative aspect, it can be concluded that the position of the Batam Satpol PP in upholding Regional Regulation Number 16 Year 2007 is not supported by regulations related to legal authority which are quite independent or not intervened by the institution regional executive, regional judiciary and other law enforcers, and also not supported by clear arrangements related to financing and facilities as well as pre-supporting facilities for the performance of Satpol PP in Batam City which then impacted on financing, office procurement, fleet procurement and fleet fuel procurement welfare issues Satpol PP Personnel. Based on these problems, it is necessary to reconstruct a formulation of the Batam City regional policy regarding the role of Satpol PP in upholding Regional Regulation Number 16 of 2007 and at the same time enforcing order in Batam City.

**2. Reconstruction in the Field of Implementing Legal Regulations**

Based on these various explanations, it can be concluded that there are several aspects that need to be reconstructed in the context of implementing the law, while those aspects are:

**a. Managerial Reconstruction of Batam City Satpol PP Institution**

If you look at his explanation above, it can be concluded that various Satpol PP institutions in Batam are:

**Table 1**

No	Problem	Way out
1	Issues Position and Responsibilities of the Satpol PP	Clarify the position and strengthen the authority of the Satpol PP, especially related to Civil Servant Investigators who are independent of the interference of the executive, regional legislative and other law enforcement agencies in the area by adding new articles related to the issue in Regional Regulation No. 16 of 2007 and Batam City Representative Number 32 of 2013 or debate new policies that support the role of Satpol PP in upholding order in Batam City as mandated by Regional Regulation No. 16 of 2007
2	The issue of Human Resources and Supporting Power of the City Government of Batam	a) Make clear standardization related to the recruitment of Satpol PP personnel accompanied by general legal umbrella, namely laws, government regulations, and local regulations, as well as technical and specific legal umbrella in the form of Regional Head Regulation, Decree of Head of Satpol PP and/or related Regional Government bureaucrats with the task and authority of Batam City Satpol PP; b) Make special designs and mechanisms related to budgeting and procurement of honorariums and welfare of Satpol PP personnel as well as facilities and pre-operational supporting facilities for Satpol PP which are equipped with a legal umbrella both universal in nature, namely specific articles in the laws related to Satpol PP institutions that appoint specifically, specifically, and more on a technical scale to the new articles in the Regional Regulations and/or Regional Regulations whether old or intended to be formed and closely related to the role of the Satpol PP in enforcing order in Batam City as regulated in Regional Regulation Number 16 Year 2007.
3	Issues in Conflict of Police Tasks with Other Related Law Enforcement Officers	Creating the position and authority of Satpol PP in the field of polisinal tasks clearly in the relevant laws, as well as establishing technical regulations related to the partnership and coordination mechanisms and partnership systems between local and local law enforcement institutions in Batam City.
4	The issue of carrying capacity of the community	Creating a technical policy related to the partnership system between the community and Satpol PP in the framework of efforts to enforce the Perda in Batam City, in this case the policy clarifies community involvement from the discussion process of the concept of the new Perda to its implementation in the environment to the evaluation aspects of the Perda together with the Pemda and Satpol PP and the expert.

**b) Creating a Partnership System as a New Alternative**

It has been explained in the table above that an alternative

way out to overcome the problem of conflicting police tasks between the Satpol PP and other law enforcement agencies

and also the community requires a partnership system.

The parties involved in the partnership in question are:

1. Satpol PP.
2. Bureaucrats Representative of Regional Heads and/or Regional Heads.
3. Legislative members concerned.
4. Non-Governmental Organizations as community representatives.
5. Reporters.
6. Other Law Enforcement related.
7. Academics or related experts.

The partnership is carried out by the method of discussing the results of validated research conducted jointly related to the effectiveness of the enforcement of Regional Government Regulation Number 16 of 2007, then it is discussed together through a *focus group discussion* where the question is reviewed with the parties described above with the expertise and knowledge and experience possessed respectively, after that the results of the discussion in the form of agreed solutions are studied in greater depth through experiments in the community after being proven successful, then subsequently together they are made into new policy concepts which are then discussed again and submitted as new policies, then at the implementation stage the relevant parties have the authority to carry out evaluations from various aspects, namely academic, sociological, political, economic and juridical aspects based on the Pancasila and the 1945 Constitution of the Republic of Indonesia and other related laws and regulations. In carrying out their duties, the partnership system is also carried out by partnership organizations whose members have been mentioned above and are audited in the financial sector, management, and in the performance sector by external auditors and internal auditors. The internal auditors consist of elected management of the partnership organization and external auditors are various competent groups outside the partnership organization which are agreed upon by the management of the partnership organization, both internal and external auditors consist of:

1. Satpol PP.
2. Bureaucrats Representative of Regional Heads and/or Regional Heads.
3. Legislative members concerned.
4. Non-Governmental Organizations as community representatives.
5. Reporters.
6. Other Law Enforcement related.
7. Academics or related experts.

### Conclusion

The results of the discussion showed that to be able to create the effectiveness of the role of the Batam City Satpol PP in upholding Perda Number 16 of 2007 is to reconstruct a new Regional Government Regulation supporting the role of the Batam City Satpol PP in upholding Perda Number 16/2007 which includes issues related to welfare and supporting capacity Batam City Satpol PP and managerial reconstruction of Batam City Satpol PP institutions.

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