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The Existence Of The Police Of The Republic Of Indonesia In Managing Anarchic Actions On Haruku Island

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Abstrak

Indonesia merupakan negara yang menganut sistem demokrasi, sehingga kedudukan rakyat menempati posisi tertinggi. Di berbagai belahan dunia terjadi konflik bahkan kekerasan antar kelompok. Salah satunya, yakni Maluku, saat ini tengah marak kasus konflik antar kelompok atau negara, termasuk warga Kariu dan warga Dusun Ori, yang bermula dari adu mulut antara dua warga Kariu dengan warga Dusun Ori. Secara geografis negara Kariu berbatasan dengan Pulau dan Ori, ditinjau dari anatomi permasalahan kejahatan ini melibatkan masyarakat dalam arti pribadi pelaku dan korban. Anarki adalah suatu kekacauan fisik dalam masyarakat sipil yang berupa bentrokan, perkelahian massal, pembunuhan, penjarahan, dan perusakan sarana dan prasarana umum, serta fasilitas milik swasta atau non-kriminal lainnya. Sesuai dengan Protap Kapolri Nomor 1/X/2010 tentang Penanggulangan Anarki, petugas kepolisian melakukan imbauan secara bertahap, dengan tangan kosong, senjata tumpul/senjata kimia/gas air mata, tembakan peringatan, tembakan pelumpuh dengan peluru karet dan sebagainya. situasi darurat dengan menggunakan peluru tajam. Penanganan yang dilakukan aparat kepolisian (Brimob) terhadap tindakan anarkis di Pulau Haruku antara lain sebagai berikut: Melakukan pembinaan dan penyuluhan hukum kepada masyarakat di Pulau Haruku , melakukan pembinaan dan pelatihan kepada anggota kepolisian mengenai tata cara penanganannya. tindakan anarkis yang dilakukan oleh kelompok tertentu, melakukan penjagaan yang terdiri dari 3 zona yaitu zona hijau, zona kuning, dan zona merah dan Apabila terjadi pelanggaran, maka anggota polisi yang melakukan pelanggaran dapat diproses dan diberikan sanksi. sesuai dengan aturan hukum.

Kata Kunci: Polisi; Aksi Anarkis; Pulau Haruku

Abstract

Indonesia is a country that adheres to a democratic system, so the position of the people occupies the highest position. In various places in the world there are conflicts and even violence between groups. One of them, namely Maluku, is currently dealing with several cases of conflict between groups or countries, including residents of Kariu and residents of the Ori hamlet, which started from a verbal argument between two residents of Kariu and residents of the hamlet. Geographically, the country of Kariu borders Pelau and Ori, in terms of the anatomy of the problem, this crime involves people in the sense of the person of the perpetrator and the victim. Anarchy is a physical disorder in civil society in the form of clashes, mass fights, killings, looting, and destruction of public facilities and infrastructure, as well as private or other non-criminal facilities. According to the "Regulation of the Chief of Police Number 1/X/2010 concerning Overcoming Anarchy, police officers gradually deal with appeals, with bare hands, blunt weapons/chemical weapons/tear gas, warning shots, paralyzing shots with rubber bullets and in emergency situations using live ammunition. The handling by the police (brimob) against anarchic actions on the island of Haruku include the following: Conduct legal guidance and counseling to the community on Haruku Island Conduct coaching and training for members of the police on procedures for handling anarchic acts committed by certain groups. Carrying out a guard consisting of 3 zones, namely the green zone, yellow zone, and red zone; and If a violation occurs, then the member of the police who commits the violation can be processed and given sanctions in accordance with the rule of law.

Keywords: Police; Anarchic Action; Haruku Island

INTRODUCTION

Indonesia is a country that adheres to a democratic system, so the position of the people occupies the highest position. The term democracy was born from the translation of the words demos and cratein which came from Greek. Demos means people, cratein means government. So literally democracy can mean the government of the people. The government desired by the people is run by and for the benefit of the people. Democracy requires that the government be run based on the will of the majority of the people because essentially the people are the holders of power in a country (Nurul Qamar,2016).

Human nature in fulfilling the function of life is always faced with contradictions in nature, so that inevitably in shaping each person's personality by using character and inner conviction, he must weigh his feelings, choose values that are useful for him in social life (Marlina,2011).

Human rights are the basic needs of human beings. Human rights are natural rights and are a direct gift from God. So that every human being, in order to gain life and dignity, must see it as human nature (Artidjo Alkostar, 2004).

In various places in the world there are conflicts and even violence between groups. The resolution of the problem shows that the application of international law in handling human rights violations does not reach out to acts that appear to be acts of violence that violate human rights such as crimes against humanity (Juanrico Alfaromona Sumarezs Titahelu, 2019). One of them is that Maluku is currently dealing with several cases of conflict between groups or countries, including the Sepa-Tamilou, Aboru-Hulaliu, Tuhaha-Ihamahu, and generally within the government area of Central Maluku Regency. In fact, we were also surprised by the conflict between the people of Pelau and Kei (Maluku) in Papua (24/1/2022). These conflicts cannot be separated from similar conflicts that have occurred elsewhere in Indonesia in recent times. This means that every communal conflict, there are multi-dimensional or complex factors, so that its resolution also requires a comprehensive approach and a permanent solution. The humanitarian tragedy that befell the Kariu community, Haruku Island, on January 26, 2022, is a human rights issue that must be completely and comprehensively resolved. by prioritizing the principles of humanity. The chronology of the tragedy between the residents of Kariu and the residents of the Ori hamlet, which started from a verbal argument between the two Kariu residents and the residents of the Ori hamlet, was the trigger. This was actually resolved after the separation by Babinsa and Bhabinkamtibmas. However, there was a driving factor that occurred in the form of a crime, an assault on a Kariu resident of Ori village (25/1/2022), which caused serious injuries and had to be rushed to a hospital on Ambon Island (Bhayangkara Polri Hospital in Tantui). Geographically, the country of Kariu borders Pelau and Ori, in terms of the anatomy of the problem, this crime involves people in the sense of the person of the perpetrator and the victim. And because it happened in the middle of the country of Ori, there were many people who witnessed the crime. The chronology of the tragedy between the residents of Kariu and

the residents of the Ori hamlet, which started from a verbal argument between the two Kariu residents and the residents of the Ori hamlet, was the trigger. This was actually resolved after the separation by Babinsa and Bhabinkamtibmas. However, there was a driving factor that occurred in the form of a crime, an assault on a Kariu resident of Ori village (25/1/2022), which caused serious injuries and had to be rushed to a hospital on Ambon Island (Bhayangkara Polri Hospital in Tantui). Geographically, the country of Kariu borders Pelau and Ori, in terms of the anatomy of the problem, this crime involves people in the sense of the person of the perpetrator and the victim. And because it happened in the middle of the country of Ori, there were many people who witnessed the crime. The chronology of the tragedy between the residents of Kariu and the residents of the Ori hamlet, which started from a verbal argument between the two Kariu residents and the residents of the Ori hamlet, was the trigger. This was actually resolved after the separation by Babinsa and Bhabinkamtibmas. However, there was a driving factor that occurred in the form of a crime, an assault on a Kariu resident of Ori village (25/1/2022), which caused serious injuries and had to be rushed to a hospital on Ambon Island (Bhayangkara Polri Hospital in Tantui). Geographically, the country of Kariu borders Pelau and Ori, in terms of the anatomy of the problem, this crime involves people in the sense of the person of the perpetrator and the victim. And because it happened in the middle of the country of Ori, there were many people who witnessed the crime (<http://sinodegpm.id/2022/01/29/>, akses 3 Juli 2022).

FORMULATION OF THE PROBLEM

Based on what has been described in the introduction, the problems raised in this paper are: how are the Police Republic of Indonesia in their Efforts to deal with anarchic actions on Haruku Island ?

RESEARCH METHODS

The method used to review and discuss criminal law policies in an effort to overcome acts of physical violence against women in the household is used several approaches, namely the statutory approach (statue approach), case approach (case approach), conceptual approach (Peter Marzuki, 2006).

The specification of this research is descriptive, that is, in this study, laws and regulations related to what are the objects of research will be stated. This type of research is juridical normative, for that the collection of legal materials is library research and will be analyzed normatively, in this case by exploring theoretical literature, legal concepts and legal norms that have been regulated.

RESULTS AND DISCUSSION

1. Overview Of Anarchy

“Anarchy” means the absence of government, laws, regulations, or order and disorder (in a country). While "Anarchist" means an advocate (adherent) of anarchism or people who carry out anarchist actions (Kamus Besar Bahasa Indonesia, 2005).

Anarchy is closely related to the term violence. The term violence is used to describe behavior, whether overt or covert, as well as offensive or defensive in nature, which is accompanied by the use of force against others. Anarchy is a physical disorder in civil society in the form of clashes, mass fights, killings, looting, and destruction of public facilities and infrastructure, as well as private or other non-criminal facilities. Based on this explanation, it can be concluded that the impact of anarchy is not a positive thing but has a negative impact so that it can cause physical damage and fear in the community caused by demonstrations that end in anarchism (Agryan Pikarsa, 2012).

Although the Greek words *anarchos* and *anarchia* are often translated as "to have no government" or "to exist without a government", as can be seen, the original meaning of anarchism is not simply "no government". "Anarchy" means "without a rule" or more generally, "without power", and it is in this sense that anarchists continue to use this word. Anarchy means "not the absence of order, as is commonly thought, but the absence of order" (<https://anitifa-nusantara.blogspot.com/>, akses 3 Juli 2022).

Anarchism is a doctrine (understanding) that opposes any state power, or it can be interpreted as a political theory that does not like the existence of government and laws. The main character of anarchism is Mikhail Bakunin, a Russian aristocrat who later lived most of his life in

Western Europe. He led the anarchist group at the great world conference of Socialists and was involved in great quarrels and debates with Marx. Bakunin was finally expelled from the Mainstream Marxist group and the anarchist struggle was considered not the struggle of the socialists (<http://id.wikipedia.org/wiki>, akses 3 Juli 2022).

Anarchy is closely related to the term violence. The term violence is used to describe behavior, both overt and covert, and either offensive or defensive, accompanied by the use of force against others (Thomas Santoso, 2002).

Violence is any act that uses bodily energy that is not light. Bodily power is physical violence. The use of violence is manifested in hitting with hands only, hitting with weapons, holding, tying, holding and so on (Mochammd Anwar, 1986).

There are several opinions of scholars who provide a definition of violent crime. According to Hudioro, violent crimes are;

- a. A criminal act that is preceded, accompanied or followed by violence against a person with the object of the crime in the form of goods or people (intentionally to obtain other people's goods illegally or injure and/or kill people);
- b. A criminal act as stated in Article 89 of the Criminal Code, namely violently making people faint or helpless, then this act is physical; and
- c. Criminal acts that are psychological in nature, causing others to be helpless or experiencing pressures that are very detrimental, even fatal.

Violence is carried out openly and with accumulated strength, so that this crime is a crime against public order where the victims who are harmed are not given much attention. According to Thomas Susanto, there are types of violence which are divided into 4 (four) forms, namely (Thomas Santoso, 2002) :

1) **Open Violence ;**

Is violence committed by a person or several people that can be seen by the public with the naked eye, such as fights between students.

2) **Closed Violence ;**

It is violence that is carried out in secret or not physically. The public is not aware of this type of violence. This violence is more directed at the victim's psychology such as threatening behavior.

3) Aggressive Violence ;

It is violence that is done not for protection but to gain something; and

4) Defensive Violence ;

Is violence that is done as an act, self-protection. Both aggressive and defensive violence can be overt or covert.

2. Handling By The Police Republic Of Indonesia (Brimob Polda Maluku) Against Anarchic Actions On Haruku Island

Police comes from the Latin word *politia*, meaning state administration, political life, then became *police* (English), *Polite* (Dutch and *Polixei* (Germany) and became *Police* (Indonesia) which is an agency that maintains public security and order and becomes an investigator of criminal cases (Mahmud Mulyadi,2009). Police referred to in Law Number 2 of 2002 concerning the Indonesian National Police: "Police are all matters relating to the functions and institutions of the police in accordance with statutory regulations".

According to the "Regulation of the Chief of Police Number 1/X/2010 concerning Overcoming Anarchy, police officers gradually deal with appeals, with bare hands, blunt weapons/chemical weapons/tear gas, warning shots, paralyzing shots with rubber bullets and in emergency situations using live ammunition. Article 48 letter b explains that before using a firearm, the officer must identify himself as a member of the National Police, give a clear and firm warning to the target to stop, raise his hand/lay down the weapon and give sufficient time for the warning to be obeyed (Reinhard B. Sampouw,2019).

The protocol explains that any form of law violation that can endanger security and disrupt public order is necessary to take swift, precise, and firm action while still prioritizing the principles of Human Rights (HAM) and in accordance with the provisions of the applicable laws and regulations so that action can be taken. Anarchy can be handled quickly and precisely to eliminate the wider impact, it is necessary to

develop a Permanent Procedure to serve as a guideline for all members of the National Police”.

Human rights violation is defined as any act of a person or group of people including state apparatus, whether intentional or negligent which unlawfully reduces, hinders, limits and or revokes the human rights of a person or group of people guaranteed by this law, and does not get, or is feared not to be obtain a fair and correct legal settlement, based on the applicable legal mechanism. Human rights violations occur if the state and its apparatus do not or fail to carry out their obligations to respect, protect and fulfill human rights which results in a reduction or loss of enjoyment of human rights themselves (Sriwidodo dkk,2020).

Article 28 of the 1945 Constitution states that the right and freedom to "express thoughts verbally and in writing and so on is stipulated by law". In fact, this is even more detailed in Article 28F, "Everyone has the right to communicate and obtain information to develop their personal and social environment, and has the right to seek, obtain, possess, store, process, and convey information using all available channels (Kadarmanta,2007)."

Crime is a term that contains a basic understanding in legal science as a term that is formed with awareness in giving certain characteristics to criminal law events. Criminal acts have an abstract meaning from concrete events in the field of criminal law, so that criminal acts must be given a scientific meaning and clearly defined to be able to separate them from the terms used daily in people's lives (Amir Ilyas,2012).

Pompe, the notion of strafbaarfeit is divided into two types, namely:

- 1) The definition according to the theory, strafbaarfeit is a violation of the norm, which is committed because of the violator's fault and is threatened with punishment in order to maintain the legal order and save the welfare of the people;
- 2) The definition according to positive law, strafbaarfeit is an event (feit) formulated by laws and regulations as an act that can be subject to legal action. According to him, it is not enough to impose a criminal act, but there must also be someone who can be convicted (Adami Chazawi,2005).

Efforts to combat crime with criminal law in essence is also part of law prevention efforts (especially criminal law enforcement), so it is often said that politics or criminal law policies are also part of law enforcement policies (Barda Nawawi Arief, 2008).

Barda Nawawi Arief states that crime prevention efforts can be pursued by:

- 1) Application of criminal law (criminal law application);
- 2) Prevention without punishment (prevention without punishment); and
- 3) Influencing public views on crime and punishment through mass media (influencing views of society on crime and punishment/mass media).

Crime prevention efforts can be broadly divided into two, namely through the penal route (criminal law) and through the non-penal route (not/outside criminal law) (Barda Nawawi Arief, 2008).

The 2020 Protap explains about the Countermeasures of Anarchy that the National Police can exercise discretion in terms of:

- a. To defend oneself or one's family against imminent threat or serious injury;
- b. To prevent criminals from escaping;
- c. To prevent the commission of very serious crimes; and
- d. When less extreme means are not sufficient to achieve goals

Based on the protocol, police officers are allowed to exercise discretion to overcome anarchic actions that are feared to cause criminal acts or greater losses, so to prevent that all police are allowed to take certain actions such as using violence and so on. The discretion is exercised in all forms of real disturbance such as: mass fights; burning; destruction; threats; persecution; rape; the loss of a person's life; hostage taking; kidnapping; beating; sabotage; looting; confiscation; theft; against/insulting officers by using or without using tools and/weapons.

Standard Operational Procedure hereinafter abbreviated as (SOP) regarding Brimob Quick Response Services to high levels of domestic security disturbances, especially anarchist demonstrations and mass riots, it is stated that: Brimob Polri is the main task force under the Head of the National Police in charge of implementing and mobilizing the Brimob

Police forces to overcome high level of disturbances in public order and security, especially mass riots, organized crime armed with firearms, bombs, chemicals, biological and radio-active substances together with other elements of police operational implementation in order to realize law and order and public peace throughout the juridical territory of the Unitary State of the Republic of Indonesia and other tasks required charged.

One of the cases in the form of anarchic acts was on Haruku Island on January 26, 2022 chronologically, the tragedy between the residents of Kariu and the residents of the Ori hamlet that started from a verbal argument between the two Kariu residents and the residents of the Ori hamlet was the trigger. This was actually resolved after the separation by Babinsa and Bhabinkamtibmas. However, there was a driving factor that occurred in the form of a crime, an assault on a Kariu resident of Ori village (25/1/2022), which caused serious injuries and had to be rushed to a hospital on Ambon Island (Bhayangkara Polri Hospital in Tantui). Geographically, the country of Kariu is bordered by Pelau and Ori (<http://sinodegpm.id>, 2022).

In general, crime prevention consists of three main parts, namely (AS Alam, 2010);

1) ***Pre-Emtif***

Pre-Emtif Efforts are the initial efforts made by the police to prevent the occurrence of criminal acts. Efforts are made in pre-emptive crime prevention is to instill good values/norms so that these norms are internalized in a person. This causes the intention factor to be lost even though there is an opportunity.

2) ***Preventive***

This preventive effort is a follow-up to pre-emptive efforts that are still at the level of prevention before a crime occurs. In preventive efforts, the emphasis is on eliminating opportunities for crime to be committed.

3) **Repressive**

This effort is carried out when there has been a crime or crime whose actions are in the form of law enforcement by imposing penalties.

Based on what has been stated above, it can be concluded that the handling efforts by the police (brimob) against anarchic acts on Haruku Island can be carried out through three (3) stages, namely;

1. **Pre-emptive Effort**, one of them is instilling religious values into the community so that there is no conflict between each other.
2. **Preventive Effort**, one of them is in the form of actions from the law enforcement apparatus (police) to be able to cooperate with the community by conducting socialization about the police law and also the impact of anarchic actions on the community.
3. **Repressive effort**, one of them is in the form of action if the two steps of Pre-emptive and Preventive Efforts can no longer be handled. These enforcement efforts include arrests, examinations of people suspected of committing anarchic acts to strict measures in accordance with applicable laws.

It can be said that the handling by the police (brimob) against anarchic acts on the island of Haruku include the following:

1. Conduct legal guidance and counseling to the community on Haruku Island
2. Provide guidance and training to members of the police (Brimob) on procedures for handling anarchic acts committed by certain groups
3. Carry out mental training for officers in charge of securing anarchic acts committed by certain groups;
4. Carrying out a guard consisting of 3 zones, namely the green zone, yellow zone, and red zone.
5. If a violation occurs, then the member of the police (Brimob) who commits the violation can be processed and given sanctions in accordance with the rule of law.

CONCLUSION

According to the "Regulation of the Chief of Police Number 1/X/2010 concerning Overcoming Anarchy, police officers gradually deal with appeals, with bare hands, blunt weapons/chemical weapons/tear gas, warning shots, paralyzing shots with rubber bullets and in emergency situations using live ammunition. efforts to handle by the police (brimob) against anarchic acts on the island of haruku can be done through three (3) stages, namely; Pre-emptive Efforts, Preventive Efforts, and Repressive Efforts, In addition, the handling by the police (brimob) against anarchic actions on the island of Haruku include the following:

1. Conduct legal guidance and counseling to the community on Haruku Island
2. Provide guidance and training to members of the police (Brimob) on procedures for handling anarchic acts committed by certain groups
3. Carry out mental training for officers in charge of securing anarchic acts committed by certain groups;
4. Carrying out a guard consisting of 3 zones, namely the green zone, yellow zone, and red zone.
5. If a violation occurs, then the member of the police (Brimob) who commits the violation can be processed and given sanctions in accordance with the rule of law.

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