

## RECONSTRUCTION ON MUNICIPAL POLICE'S ROLE AND RESPONSIBILITY IN ENFORCING BATAM CITY REGIONAL GOVERNMENT NO.16/2007 OF PUBLIC PEACE AND ORDER BASED ON LOCAL WISDOM

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### ABSTRACT

*Municipal Police is bodyguard, who hold responsibility to enforce every regional government and regional executive board regulation, to protect society by imposing social security and order. As the enforcement institutions, they have some problems happened. Firstly, the uses of physical abuse which initiates social conflict while running the raids. Secondly, there aren't any legal standard in recruitment process that affects their work. Third, the same patterned uniform between municipal police and military army shows that they are paramilitary organization. Fourth, unclear job division between municipal police and other enforcement institutions they are police, and civil enforcement apparatus. Those problems are happened because they abuse of their power and show their arrogance and brutality while enforcing social security and order. It makes society misunderstood to their task as social security and order protector. Therefore, a research is needed to reconstruct the municipal police management to solve those problems. This research is analyzed by socio legal research which combining two research aspects between regulation and social side. The result of the research showed factors that influenced Batam City municipal police are external factors came from society understanding and internal factors came from Batam City municipal police itself. The reconstruction result is reconstructing Batam City municipal police role and responsibility by adapting Batam City local wisdom that is religion value while running of their task according to Batam City Regional Regulation and Batam City Regional Executive Board Regulation.*

Key words: Municipal Police, role and responsibility, Batam City, local wisdom

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### A. INTRODUCTION

Indonesian government system changed radically from authoritarian centralistic to democratic decentralization. According to regional government history, since the enactment of Law No.5/1974 of The Fundamental Regional Government which is being revised many times until it last revision that is Law No.32/2014 of Regional Government, Regional Government is part of Central Government sub division. This mean, regional government is central government's sub system. That condition builds connection between central government and regional government to role a national government.

Based on the Law No.32/2014 of Regional Government, the relation between central government and regional government is being classified into absolute role which is belong to central government to role foreign policy, monetary and national finance, religion, national defense and security, and national justice to balance national situation. While, the other role is concurrent role which is belong to regional government to role regional sectors in form of regional autonomy.

One of concurrent role sector is creating public tranquility and security based on the preamble paragraph of 1945 Constitution of The Republic of Indonesia which delivers the message for protecting all of Indonesian, creating national welfare, educating the nation, and participating on global tranquility through freedom concept, global peace, and social justice.

Based on the constitutional mandate, there should be local tranquility and security programs development. It has been regulated on article 25 paragraphs 1 of Law No.23/2014 of Regional Government as follow: "*Municipal police is made to enforce regional regulation and regional chief executive regulation, organizing public tranquility and security, and also protecting society*".

Based on article 255 paragraph 1 of Law No.23/2014 of Regional Government, municipal police has given authority as follow:

1. Organizing non-justiciable social tranquility, apparatus, or legal entity who break any regional governments and/or regional chief executive regulation;
2. Discovering and deterring society, apparatus, and/or legal entity who disturbing public tranquility and security;
3. Investigating to society, apparatus, and/or legal entity who break regional regulation and/or regional chief executive regulation;
4. Able to give administration sanction to society, apparatus, or legal entity that break regional government and/or regional chief executive regulation.

Those authorities have been strengthened in article 4 of Government Regulation No.6/2010 of Municipal Police, written as follow: *Municipal Police has the role to enforce the regional regulation and organizing public tranquility and security also protecting society.* To enforce the task, municipal police is being regulated by some functions as mentioned below:

1. Arranging enforcement policy towards the action against breaking regional regulation, public tranquility and security, and society protection;
2. Implementing enforcement policy on regional regulation and regional chief executive regulation;
3. Implementing regional tranquility and security policy;
4. Implementing social protection policy;
5. Coordinating regional regulation and regional chief executive regulation's enforcement, public tranquility and security policy, and society protection with Police of Republic Indonesia and regional civil servant investigator;
6. Supervising of society, apparatus, or legal entity to follow the rule of regional regulation and regional chief executive regulation;
7. Following another task given by regional chief executive regulation.

Municipal Police practical at Batam City is stipulated on Batam City Regional Regulation No.6/2013 of Batam City Municipal Police Organization Structure and Working Program. Batam City Municipal Police has the responsibility to enforce Batam City Regional Regulation No.16/2007 of Public Tranquility and Security where municipal police's role is to create society protection from any social action rejecting or even deviating Batam City value and norms such as drunk, immoral action, bummer, and illegal cadger. Those problems may disturb public facilities from public users hence they need to be controlled to let the region developed effectively. As the problems are municipal police responsibility, they're using hardness coercion to enforce those public tranquility and security which creates continuously conflict with the people who did social deviance. As the result, that coercion action doesn't effective enough to decrease the number of those social deviances.

They also need any technical guidance and field guidance to guide them while enforcing Batam City regional regulation and Batam City Chief Executive Regulation especially to measure how effective their enforcement could be based on the Law and Batam City Regional Regulation norms as its part of democratic value implementation. That guidance may help municipal police to not doing any violation to the people who did social deviance.

Negative view which is given by society to Batam City Municipal Police bring the anarchism while municipal police enforcing the Batam City Regional Regulation. It makes municipal police be like their enemy than their bureaucracy to help them to gain welfare. That problem makes the existence of Batam City Municipal Police doesn't decreasing the number of social deviance cases. As it mentions in Batam City Municipal Police Report 2006-2015, the number of social deviance cases only decrease 5 cases from 251 to be 246. Therefore, there should be a study concerning on reconstruction municipal police in order to decrease the number of social deviance as well depend on the enforcement of Batam City Regional Regulation No.16/2007 of Public Tranquility and Security Based on Local Wisdom.

According to the passage above, there are three main questions to explore the research object. They are, the regulation of municipal police both national and regional, factors that influence municipal police work and reconstruction on municipal police role and responsibility by adapting religion value as Batam City local wisdom.

## B. DISCUSSION

### 1. **Affectivity of Municipal Police's Role and Responsibility in Enforcing Batam City Regional Regulation No.16/2007 of Public Security in Batam City.**

Based on the report book of municipal police routine raids program shows that, at 2015 the number of social deviances at Batam City rate on 891 cases which are contained from 536 civil administration cases, 345 public security cases, and 19 mal-administration cases. Besides, another case is made of juvenile delinquency cases such as skipping school cases where 68 students are found playing at internet shop at February 23<sup>rd</sup> 2015 but the number of the skipping school student decrease into 37 students. Municipal police routine raids program at 2016 is showing good progress where the number of social deviance decreases into its half. There still 39 administration and regional permission cases, 45 public tranquility cases, and 8 building permission cases.

Based on the data above, there still any social deviance and action against of Batam City Regional Regulation and Batam City Regional Chief Executive Regulation. Although the number of social deviance is decreased from 536 into 62 cases yet the problem of social deviance doesn't disappear from the society. It probably can be bigger than before just like ice mountain phenomenon. It also shows that Batam City Municipal Police only concerning on decreasing the number of those social deviances without eradicate the root of the problem.

Therefore the factors that make Batam City Municipal Police's work doesn't effective are :

- a. The Batam City People do not understand the legal substance written in the Batam City Regional Regulation and Regional Chief Executive Regulation.  
Mostly Batam City citizen are not understand the legal substance of the regional regulation. It makes both of the parties likely to have collision when municipal police doing the raids. Besides, there are Batam City policies which made without involving citizen aspirations. Therefore the citizens who break the regional regulation and regional chief executive regulation are showing their critics towards government's policy.
- b. The misunderstanding Municipal Police role and responsibility from the citizen

Most of citizen doesn't know what is Batam City Municipal Police role and responsibility. The misunderstanding role and responsibility make the people have the negative view to municipal police because of the rudeness and coerciveness they did while enforcing the regional regulation in the field. The aim of the municipal police work to create society order is going reversed because of citizen act antipathy.

According to the past literature review, there is power connection between municipal police, street vendor, police and regional government which have illegal transaction on the enforcement of Batam City Regional Regulation of public tranquility and security. Some street vendor are proven to pay municipal police to not drive them out from their stall when municipal police do the raid eventhough the street vendors are selling at forbidden place. This phenomenon shows how pathetic the municipal police work is.

- c. The overlapping role and responsibility between Municipal Police and another legal structure in Batam City related to public tranquility and security problem.

Although Batam City role and responsibility has been regulated at Batam City Regional Regulation No.6/2013 of Batam City Municipal Police Organization Structure and Working Program there are overlapping role to others enforcement institution such as police especially when it comes to condition of the raids of prostitution and drunk. Its because both of the parties whether municipal police or police have the same role to hold the raids of social deviances in society.

Beside the internal factors which are influenced Batam City municipal police work, there are external factors which are influenced their work at the same way, they are:

- a. Lacking of regulation about Municipal police status and legal standing.

The few numbers of regulation which role the municipal police status and legal standing can be seen when they are directly enforced the regional regulation and regional chief executive regulation to society elite and regional bureaucracy elite which they have been busy to gain bureaucracy status. Besides, the existed municipal regulation regulates un-clear job division. They have to hold their role and responsibility but at the other hand they may be accused for doing crime because of the rudeness and coerciveness when they are on duty to enforce the public tranquility and security.

- b. Lacking of Municipal police human resource

According to Steven Golub theory, the concept of rule of law or *rechtstaat* was born from the spirit of human right which affected developing countries or the third countries have complicated written law (read: regulation) problems. Therefore the biggest problem comes from the legal gap among the regulation which made them look alike a regulation forest. This problem also happened to municipal police condition nowadays, where there lot of regional regulations are made and creating lot of new task directed to municipal police. As the result, the task is getting increased but not with the number of human resource. They are usually completing other job which not belongs to them. This condition makes the municipal police overloaded.

As the part of enforcement institution, municipal police must be capable enough, qualified, and good skilled in advocating and enforcing of regional regulation and regional chief executive regulation in Batam City. According to the raids data, mostly members are not capable enough in doing negotiation or advocating to the society or the other enforcement institution.

- c. Lacking of coordination between municipal police and citizen

The number of violence, rudeness, and coercion which is doing by municipal police when they are enforcing the public tranquility are involved in crimes against humanity according to article 11 Law No.39/1999 of Human Right. Article 11 Law No.39/1999 of Human Right said if, *every individual has the right to fulfill of their life needed to grow and develop in worthy.*

This phenomenon is happened because when municipal police are doing the raids and trying to discipline the illegal street vendor, some of them are going to run away then come back to the same place when the raids operation is finished. That condition let the municipal police do coercion action to enforce the tranquility while giving such legal education to the illegal street vendor at same time. But some of them fight the municipal police back and tell them they are free to sell everything at the place. This conditions which make the violation, rudeness, and coercion are coloring the work of municipal police that break the people's right and freedom. It also means if the relation and coordination between municipal police and the society isn't good.

2. **Reconstruction of Municipal Police Role and Responsibility in Enforcing Batam City Regional Regulation No.16/2007 of Public Security in Batam City Based on Local Wisdom.**

Based on the problems classified above, there should be reconstruction toward Batam City municipal police role and responsibility to enforce Batam City Regional Government No.16/2007. The reconstruction must be exploring global aspect related to create an effective municipal police work. Therefore, the reconstruction can be designed as follow:

1) Legal Reconstruction

Legal reconstruction is designed to solve the legal problem toward legal status and legal standing of municipal police in regional regulation so they won't have any overlapping task to other legal enforcement institution. According to Batam City Regional Regulation No.16/2007, there are not enough clear legal standing on what municipal police should do and not to do include the coordination article which regulates the status and job division between municipal police and other legal enforcement institutions.

Therefore the reconstructions of Batam City Regional Regulation No.16/2007 are, *firstly*, should regulate the municipal police role's freedom which shows their work as an independent institution to prevent any intervention from regional executive and judicative board. *Second*, should regulate financial and facilities support to support their task as regional regulation and regional chief executive regulation's enforcement institution. It relates to municipal police member's welfare support from regional government.

2) Legal Enforcement Reconstruction

Legal enforcement reconstruction is divided into two aspects they are, Batam City Municipal Police managerial institution reconstruction and creating new alternative coordination system. *Firstly*, reconstruction of Batam City Municipal Police institution managerial can be shown in the information table below:

Table 1: Batam City Managerial Institution Reconstruction

No	Problems	Solution
1	Municipal Police Legal Standing and Responsibility	To strengthen Batam City municipal police legal standing and their responsibility, Batam City government have to regulate the coordination and job division between municipal police with civil apparatus servant and municipal police with police to prevent any intervention given by executive board, regional judicative board, and other legal enforcement institutions. Those regulation should be clearly stated at Batam City Regional Government No. 16/2007 and Batam City Regional Chief Executive Regulation No.32/2013 or making new policy concerning on Batam City Municipal police's role in enforcing Batam City tranquility and security.
2	Human Resource and Financial supporting problems.	<p>a. Making a standardization procedure for recruitment Batam City municipal police member which is legally written on the regional regulation. The standard should regulate the specification and qualification criteria needed in form of Batam City Regional Chief Executive Regulation and Batam City municipal police chief regulation.</p> <p>b. Making financial and facilities supporting draft to gain Batam City municipal police welfare. It is used to support their operational work when enforcing the Batam City regional regulation and Batam City regional chief executive regulation. Therefore, those financial and facilities support should be added in the Batam City Regional Regulation No.16/2007 with specific chapter and articles related to regional government support.</p>

3	Overlapping Task of Legal enforcement institutions at Batam City	Creating legal standing for every legal enforcement institution task at Batam City by implementing coordination and partnership group task that should be written on Batam City regional regulation.
4	Supporting facilities problem	Creating a technical policy concerning on partnership cooperation between municipal police with the society to enforce Batam City regional regulation and Batam City regional chief executive regulation. The regional government have to arrange a new policy to regulate those partnership kind then it need to be socialized to the society to let them know the norms they have to follow.

Secondly, according to the table above, the alternative solution to solve the overlapping task between municipal police and other legal enforcement institutions also included with the society is by making partnership cooperation system. The system is made by integrating each component of role and responsibility. Therefore the institutions which are needed to take a part on that partnership integration system are:

- 1) Municipal police;
- 2) Regional executive board;
- 3) Regional legislative board/ regional household representative;
- 4) Non-Government Organization or Social communities;
- 5) Reporter;
- 6) Other legal enforcement institutions; and
- 7) Expert and academic.

Partnership cooperation should be implemented by involving some validate Batam City Regional Regulation No.16/2007's researches result which is needed to continue in discussion forum where the regional government, household representatives, expert, and society representative are involved to sit together studying the problems before arranging the policy. This is the way how to integrate the problem from every aspects of the board. Therefore, they can share their own evaluation from academic, sociology, politic, economic and legal aspect based on Pancasila and The 1945 Constitution of Republic Indonesia and the Law related to municipal police regulations.

The partnership cooperation system then should be audited by Indonesia Financial Audited Board especially for their financial used. Besides, their working managerial will be audited and evaluated by internal auditor unit which is consist of the partnership cooperation organization structure. To let the audit balance and fair, external auditor is made to complete the internal auditor which is consist of the external parties out of municipal police who is expert enough to give the evaluation such as academic, society community representative depend to the organization agreement.

The last, the using of partnership cooperation must be followed by Batam City local wisdom which is known as religion value. According to Assoc. Prof. Chatcharee Naritoom from Kasestsart University, local wisdom is the knowledge that discovered or acquired by local people through the accumulation of experience in trials and integrated with the understanding of surrounding nature and culture. Local wisdom is dynamic by function of created local wisdom and connected to the global situation. The local wisdom interpreted as social strength which was born, grow, and develop in the society. The spirit of social value of Batam City is religion value as they grow up from Moslem and Malaya communities. Most of Batam City society is moslem, therefore the islamic norm should be noticed on every heart of municipal police while working on their job. It could help them to have strong responsibility when they are finishing of their duty.

It is important to build good coordination through partnership cooperation by implementing religion value to develop Batam City economic condition. Batam City as one of the biggest economic trade center distribution between Indonesia and Singapore, and Indonesia-Malaysia will get the advantage from the effective municipal police's work. When regional's law enforcement is effective, so the other society aspects will be balance. The good trade climate will also be increased not only around Malaya strait but also over Asia.

### C. CONCLUSION

Batam City municipal police in enforcing the Batam City Regional Regulation No.16/2007 of Society Tranquility and Security Protection doesn't working effectively because of the weakness inside of Batam City Regional Regulation No.16/2007 of Society Tranquility and Security Protection which not regulate municipal police legal standing and clear job division to others enforcement institutions. Secondly, Batam City municipal police has un-effective institutional management which is shown by there is not practical handbook or technical guidance of their work. Third, economic factors where municipal police members

should completing other job because of the lack of human resource beside their work don't be followed with suitable payment and facilities. *Fourth*, the lack of society support and misunderstanding of municipal police work and responsibility.

To create an effective work on Batam City Municipal Police in enforcing Batam City Regional Regulation No.16/2007 is by reconstructing new regional regulation to support Batam City municipal police when they are enforcing the Batam City Regional Regulation No.16/2007 to gain the member's welfare. Besides, the regional regulation should regulate municipal police financial and facilities support accompanied by auditor and evaluation given by internal and external party in form of cooperation partnership organization. This cooperation partnership organization should be adapting religion value as Batam City local wisdom to create balance atmosphere on the growing of society aspects which is economic trading.

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