THE FUNCTIONALIZATION OF BHABINKAMTIBMAS (INDONESIA COMMUNITY POLICING) AND INHIBITING FACTORS TO ITS IMPLEMENTATION

Aksi Sinurat

ABSTRACT

The implementation of Bhabinkamtibmas (The Indonesian Community Police) as one of the realizations of the National Police reformation, is viewed as conventional and old-fashioned, whereas this organization is expected to carry out functions to meet the requirements of a contemporary, modern policing model. This research is that of a field legal or empirical juridical study. A law phenomenological approach is applied to examine the role, function and authority of bhabinkamtibmas in the community social life. The objective of this research is to examine the existence of the legal basis and functionalization of Bhabinkamtibmas in overcoming actions that disrupt public order, and further to examine the factors that hinder its implementation. The results of the study showed that in Kupang City, bhabinkamtibmas officers have managed work efficiency within their roles by establishing partnerships with the community members in each village or sub-district in order to prevent issues of security and public order. Inhibiting factors include the habits of the community to persecute and punish perpetrators thus disregarding police personnel authority and court decisions. Moreover, internal issues are present in the lack of staff of bhabinkamtibmas, infrastructure, and operational budget in initiating meetings with the community in relation to equipping community members with knowledge regarding issues and prevention methods within the community itself. It is expected that Bhabinkamtibmas are able to solve every social issues within the community by still prioritizing local wisdom in the respective urban areas in Kupang City. Although not all Bhabinkamtibmas officers are provided with official residences, they are equipped with operational vehicles in order to support their reach towards every village in their jurisdiction.

Key words: Functionalization, Bhabinkamtibmas, Public Order.

INTRODUCTION

The Indonesian police is one of the functions of the national government in the field of security and public order maintenance, law enforcement, and protection of the community. Within its function, the Indonesian Police carries out policing activities both at the management and operational levels. Policing is carried out with or without force in effort to realize and maintain social order. The policing model can be divided into two categories, namely conventional policing (old) and contemporary policing (modern). Conventional policing prioritizes law enforcement and tends to operate reactively such as that of firefighters, while contemporary policing prioritizes on prevention, problem solving, partnership, and quality.

The role of Bhabinkamtibmas (Indonesian community police) is vital for providing police services or assistance given the absence of police stations in the sub-districts or villages. Bhabinkamtibmas acts as the bridge between the national police (Polri) and the community. Nitibaskara and Ronny (2002: 211) states that the community police is the frontline unit of Polri who meets face to face with the community to overcome various issues and problems that occur in society. The main aim of such interaction is to maintain the stability within the community so that they remain safe and peaceful.

In the Kupang City Police Law area, Bhabimkamtibmas police officers have been stationed in every village. One of the duties of the Bhabinkamtibmas is to resolve the problems of minor criminal offenses in peaceful manner. According to data obtained by the researcher, at least one minor criminal case would occur every month in a village, and would undergo peaceful settlements. The number of minor criminal cases over the past three years (2015-2016) resolved by Bhabinkamtibmas police officers in the jurisdiction of Kupang City Police can be seen in the table regarding the number of minor criminal cases that were settled peacefully by Bhabimkamtibmas police officers in the Resort Police Area Kupang City.

RESEARCH URGENCY

In Kupang City, potential cases that disrupt public order are related to the issues of land dispute and tribal or community gatherings which entail alcohol consumption such as graduation and birthday parties. Accordingly, bhabinkamtibmas takes effort to control such activities.

Table 1: Types of cases and its background of disturbances in security and public order in Kupang City

<table>
<thead>
<tr>
<th>Year</th>
<th>Fights between friends involving other people and damaging goods</th>
<th>Fights by issuing dirty words upon the victim</th>
<th>Fights and arguments (harsh words/yells) upon victims accompanied by threats</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>11</td>
<td>10</td>
<td>5</td>
<td>26</td>
</tr>
<tr>
<td>2017</td>
<td>20</td>
<td>5</td>
<td>4</td>
<td>29</td>
</tr>
<tr>
<td>2018</td>
<td>23</td>
<td>5</td>
<td>4</td>
<td>32</td>
</tr>
<tr>
<td>total</td>
<td>64 cases</td>
<td>25 cases</td>
<td>23 cases</td>
<td>112 cases</td>
</tr>
</tbody>
</table>

Source: Kupang City Police Station, 2018.
Based on the data above, there are as many as 112 cases that have been resolved in peaceful manner by Bhabinkamtibmas police officers. However, field observation suggests that the victims of the cases were left unsatisfied to the resolution by Bhabinkamtibmas police officers. Such instances can be seen among the cases of the fights between the Alor and Sumba youth community in 2014, the Alor and Flores youth community in 2015. Both cases occurred in Oesapa and Lasiana Villages, respectively.

Crime against public order is the term used by the legislators to refer to the crimes as stipulated in book II chapter V of the Indonesian Criminal Code. According to Simons (2017: 21), the term crime against public order is considered vague, hence difficult to define. The reason to this is that crimes mentioned in book II chapter V of the Indonesian Criminal Code actually entail different spectrums.

Crime against public order is one that can bring danger to people's lives or to the community which can disturb public order. Moreover, it can be defined as a criminal act which expresses in public anything related to hostility, hatred or demeaning statements towards the Indonesian government or the community at large (Moedoko, 1996: 121). From the explanations above, it can be concluded that crime against public order in a broad sense can be defined as a set of crime which can potentially pose danger to the survival of the community and can cause disturbances to the natural order in society.

The conditions of security and order within the communities in Kupang City are prone to modes of issues such as land ownership rights, hostilities and fights in traditional gatherings and parties, student riots, and various other issues which can cause harm towards the security and public order in Kupang City.

PROBLEM FORMULATION

Based on the description in the background above, the main problem of this research can be formulated as follows:

1) How is the existence of the legal basis and functionalization of Bhabinkamtibmas in overcoming actions that disrupt public order in Kupang City?
2) What factors hinder the functionalization of Bhabinkamtibmas in overcoming actions that disrupt public order in Kupang City?

RESEARCH METHODS

This research is that of a qualitative study which applies a phenomenology approach. The phenomenological qualitative research model uses individual life experiences as a tool to better understand the phenomena that occurs. The phenomenon that occurs in this study is the phenomenon of functionalization of Bhabinkamtibmas officers in overcoming actions that interfere with public order.

DISCUSSION

1. Functionalization of Bhabinkamtibmas

Based on the Decree of the Head of the National Police of the Republic of Indonesia No.Pol.KEP/8/II/2009, concerning Amendment to the Field Guidance of the Police Chief No.Pol.BUJUKLAP/17/VII/1997 the term Babinkamtibmas (Kamtibmas Development Center) is changed to Bhabinkamtibmas (Bhayangkara Pembina Kamtibmas) encompassing the ranks from Brigadier to Inspector. Furthermore, according to Article 1 number 4 of the Chief of Police Regulation Number 3 of 2015 concerning Community Policing, Bhabinkamtibmas is defined as the caretaker of Community Policing in the village areas.

In accordance with the provisions of Article 26 of the National Police Regulation No. 3 of 2015 concerning Community Policing, Bhabinkamtibmas is subject to the following functions: 1) Carrying out visits to the community to listen to complaints regarding community issues and provide explanations, solutions, and maintain friendship and brotherhood relations; 2) Guiding and counselling in the field of law and order to increase awareness of law and order by upholding human rights; 3) Disseminating information about the policies of the National Police leadership relating to the maintenance of community security and order; 4) Encouraging the implementation of social security in protecting the environment and community activities; 4) Providing police services to the people in need; 5) Supporting positive community activities; 6) Coordinating efforts to develop community security with village officials and other relevant parties; and 7) Carrying out consultation, mediation, negotiation, facilitation, and motivation to the community, and solving crime and social issues.

Furthermore, Article 27 states that the main duties of Bhabinkamtibmas are conducting community development, detecting early signs of issues and conducting mediation and negotiation to realize conduciveness in the village. In carrying out its main tasks, Bhabinkamtibmas conducts the following activities: 1) House-to-house visits in all of its jurisdiction area; 2) Assist with problem solving in the community; 3) Regulate and secure community activities; 4) Receive information about the occurrence of a crime; 5) Provide temporary protection to people who are lost and the victims of crime and violations; 6) Participate in providing assistance to victims of natural disasters and disease outbreaks; and 7) Provide guidance to the community related to the problems of community security and police services.

Article 28 Permit No. 3/2015 regulates the authority of Bhabinkamtibmas, which is similar to that of community policing activities, namely: (1) Resolve community disputes; (2) Take the necessary steps as a follow up to the community-police
communication forum (FKPM) agreement in maintaining environmental security; (3) Visit the crime scene and take the first action at the crime scene; and (4) Oversee the flow of belief in society which can lead to divisions or threaten the local and national unity.

Furthermore, as regulated in Article 31 of National Police Regulation No. 3/2015, Bhabinkamtibmas officers can be entitled to official residences in order to support their functions. This Bhabinkamtibmas residence also functions as their office, which is equipped with office facilities and communication services. The acquisition of such housing facility requires adjustments and availability of the national police budget. Bhabinkamtibmas are Polri officers who work at the village up to the sub-district levels who are tasked with carrying out preventive functions by partnering with the community.

Relating to the role theory by Linton and Elder, the role of Bhabinkamtibmas in the midst of the community must foster an example and to be the protector of the community within the lowest levels in the country, namely the village or the sub-district. Moreover, to be able to hear more patiently and objectively to community complains regarding social life experiences. In addition, Bhabinkamtibmas must be able to wisely resolve and reduce conflicts that will potentially emerge in the future. Accordingly, Bhabinkamtibmas is to facilitate social problem-solving that arise within the village or sub-district levels through either persuasive or via forums that have already existed in the community in accurate and orderly manners. In order to realize this, Bhabinkamtibmas must first establish all necessary prerequisites through the community-police communication forum (FKPM) and forums that have partnerships with the government agencies at the village level and strategic stakeholders in the community.

The daily activities that must be carried out by the Bhabinkamtibmas are among visiting the community. In principle, Bhabinkamtibmas’ activity in visits require the cycle of “Visit-Sit-Listen-Dialogue” and taking notes. These visits are commonly done in the houses of the villagers. However, visits may occur in public spaces. Although these activities seem simple, it does entail noble meaning. The authorities of Bhabinkamtibmas as law enforcement officers is very limited because it relates only with the perpetrators and victims. Victims oftentimes are unwilling to accept efforts of resolutions despite of peaceful manner. Moreover, the community would prefer court hearings rather than having the problem to be resolved through bhabinkamtibmas officers.

Position in the community plays a role in the life of the social structure which can create difficulties, and sometimes demand a position that is not possible. In its function, stress role includes: 1) Role conflict, experienced if a role is to conflict with an individual system, or two roles that conflict with each other; 2) Unclear roles, that occur if individuals are given an unclear role in terms of expected behavior and appearance; 3) Inappropriate roles, that occur when individuals in the transition process change their values and attitudes. For example, someone who is in a certain profession, and there is conflict between the value of the individual and the profession itself; and 4) Excessive roles, that occur if individuals are subject to many roles, for example, as wives, students, nurses, mothers. Individuals are required to do many things but there is very limited to solve them (Soedjono, 2012: 135).

Factors that influence the adjustment to roles are: (1) Clarity of behavior and knowledge in accordance with the role; (2) The consistency of people's meaningful response to the role performed; (3) Conformity and balance between roles carried out; (4) Cultural harmony and individual expectations of role behavior; and (5) Separation of behaviors that will create incompatibility of role behavior. According to this theory, each person has their respective roles in the life of socializing in society, for example teachers, religious leaders, employees, doctors, students and so on. Accordingly, it is expected that someone behaves based on their roles in the community. The behaviour of teaching and learning are attached to teachers and students, respectively, and the status of a teacher drives the individual to teach students who come to school to learn. Therefore, one's behaviour is strongly influenced by their social role.

Bhabinkamtibmas is the abbreviation for “Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat” or Mighty TroopsConstructor for Community Security and Order. Article 1 number 4 of the Chief of Police Regulation Number 3 of 2015 concerning Community Policing defines Bhabinkamtibmas as the caretaker of Community Policing in the village or sub-district levels. Thus, Bhabinkamtibmas are police officers who are assigned at the village or sub-district level(s) who are tasked with carrying out pre- eminent functions by partnering with the community.

The consideration for the issuance of the Chief of Police Regulation Number 3 of 2015 concerning Community Policing lies on the need to carry out the tasks of the Indonesian National Police in maintaining public order and security, upholding the law, and providing protection, guidance and service to the community. The national police implements community policing strategies in order to build partnerships and cooperation by involving the community to maintain security and order in their environment.

Community Policing is an activity to invite the community through partnerships between members of the Indonesian National Police and the community representatives, so as to detect and identify the problems of community security and order in the social environment and find solutions to their problems. Andaru Rahutomo (2015:2) states that the Police are a dynamic organization because the core business of the National Police itself is public safety where achieving public security and order depends on diverse and changing factors. Because of this dynamic environment, since 1946 the National Police had undergone several structural changes. The National Police, which in the New Order era was part of the Armed Forces of the Republic of Indonesia (abbreviated as ABRI) as part of the military force, is now a civil institution under the President. The underlying philosophy and ideology also changed from traditional policing that focused on law enforcement to modern policing which focuses on community service. To achieve the objectives of the National Police in embodying a spirit of service, several regulations are issued to oversee their implementation. One of the regulations is Perkap No. 3 of 2015 concerning Community Policing.
Bhabinkamtibmas is a member of the National Police who is tasked with fostering community service in the village or sub-district. Villages or sub-districts are considered to require more attention and need to be given top priority in continuous guidance. Bhabinkamtibmas is an extension of the police station as the spearhead of the operation of the National Police which has a sub-district legal level. A sub-district consists of several villages, and the placement of Bhabinkamtibmas in each village is expected to improve police services for the community. Police reformation is manifested through the task of the National Police who are in close proximity to the community. Polri was created for the community and to the community, therefore this institution fully serves not for the sake of the state alone, but for the benefit of the whole community, and safeguarding the community from unwanted issues. In addition, the National Police is managed in such a way as to be able to support the implementation of the duties and responsibilities of the Indonesian National Police as the carrier of internal security function. These duties and responsibilities are to provide security to the state, society, and property from criminal acts and natural disasters.

According to Suparman (2016:321), efforts to carry out the independence of the National Police are carried out by making changes through three aspects, namely: 1) Structural Aspects; which include changes in police institutions in constitutional, organizational, organizational and position settings; 2) Instrumental Aspects, which Include philosophy (vision, mission and goals), doctrine, authority, competence, ability to function, and science and technology; and 3) Cultural aspects; which is the estuary of changes in structural and instrumental facets, because all aspects must be realized in the form of quality of Polri services to the community. Changes include managerial changes, recruitment systems, education systems, facilities and services, budget systems and operational systems.

The 2010-2020 National Strategic Plan of the National Police states the vision and mission of the National Police. The vision of the National Police is to be able to become protectors and servants within close proximity and togetherness with the community, and to become professional and proportional law enforcers who always uphold the supremacy of law and human rights, maintain security and order and realize internal security in a democratic national life and a prosperous society. Based on the vision statement, the mission of the National Police is elaborated as follows: 1) Providing protection and service to the community (covering aspects of security, safety, and peace) in such way that the community is free from physical and psychological disruptions; 2) Providing guidance to the community through pre-emptive and preventive efforts that can increase awareness, strength and compliance with community law (law biding citizenship); 3) Upholding the law professionally and proportionally by upholding the rule of law and human rights towards legal certainty and sense of justice; 4) Maintaining public security and order in regards to the prevailing norms and values in the frame of integrity of the jurisdiction of the Unitary State of the Republic of Indonesia; 5) Maintaining security and public order in regards to the prevailing norms and values in the frame of integrity of the Unitary State of the Republic of Indonesia; 6) Increasing consolidation efforts into the National Police’s internal structure as an effort to synchronize the National Police's Vision and Mission in the future; 7) Maintaining the solidity of the police institution from various external influences that could possibly be very detrimental to the organization; 8) Continuing security recovery operations in several conflict areas to ensure the integrity of the Unitary State of the Republic of Indonesia; and 8) Increasing legal awareness and national awareness from a diverse yet one society.

Suparman (2016) mentions the targets of the National Police in regards to safety and security of the community as: 1) Achieving a conducive civil safety and security for the implementation of national development; 2) Ensuring a law enforcement process that is consistent, fair, and free of corruption whilst upholding human rights; 3) Ensuring law enforcement officers with high professional integrity and ability who are able to act decisively and fairly; 4) Increasing legal awareness and compliance of the community that are realized in the form of active and dynamic participation of the community in order to support Bhabinkamtibmas; and 5) Performing under the umbrella of the National Police in a more professional and proportional manner by upholding democratic values in order to gain respect and have strong support from the community to create a safer and more orderly living environment.

Although have been established since year 2000, these targets have yet to been achieved, mainly reasoning to the fact that the authority of the police does not fully encompass that of law enforcers. Thus, the authority of the police to enforce the law in relation to criminal cases is limited to delegating the case to prosecutors and court proceedings, hence they are not able to independently manage the cases. Through the vision and the National Police, the general tasks of the National Police include fighting crime, protecting citizens, and maintaining and enforcing law and order.

Bhabinkamtibmas is a member of the National Police who is in charge of fostering community affairs, who functions as a police officer in the village. The task of Bhabinkamtibmas encompasses all efforts and activities of guiding, encouraging, directing, and mobilizing including activities of coordination and technical guidance for program implementation in an effective, organized, and thorough manner in order achieve maximum results. Based on the explanations above, to consider the questions of: “Who can protect the community? Who can guarantee the peace of life in the community? Who can provide a sense of security and comfort to the community in the midst of an anarchic world and rampant crimes?” can be met by one answer: the Police, who carries the duty to maintain security within in the country to create a conducive atmosphere to in the social lives of its people.

The police therefore carry out very heavy yet very noble task, which is to protect all levels of society to ensure a calm, safe and comfortable life while going through various activities in the midst of the Indonesian Republic, which is now increasingly familiar with crime and negligence. In addition, the National Police as one of the elements of law enforcement, has the duty to enforce the law in Indonesia as fair as possible and realize justice that can be accounted for without creating polemics in the community.
2. Inhibiting Factors of the Implementation of Functionality of Bhabinkamtibmas Police Officers

The concept of Community Policing in the implementation of the National Police duties is adjusted to the characteristics and needs of the Indonesian people, as well as the philosophy, policies and strategies of the National Police which encourage the establishment of partnerships between the Police and the community, hence the community police are expected to be a means to solve community issues early and before developing into disruptions. The concept of community policing in general has not been understood correctly and completely, both by the community and by the members of the police itself. Inaccuracy in delivering the meaning of policing and misunderstanding the philosophy behind the birth of the “movement” of community policing ultimately leads to many deadlocks, even deviations in its implementation in the field.

Community policing encompasses all aspects regarding the functioning of the police. In this case, policing is not merely about tactics or techniques of police functions which are the responsibility of police officers; it also concerns the position and role of the community in policing itself, without violating the applicable provisions. Due to the involvement of two separate entities, namely the police and the community, the synergy of these two parties must be regulated so that the implementation in the field supports, complements, and reinforces each other. These values must be held and underpinned in each Community Policing activity. However, the reality in the field is that operational irregularities oftentimes occur. One of the most prominent factors is the misunderstanding of the nature of community policing.

There are several assumptions that are inaccurate or even completely incorrect regarding Community Policing. These false assumptions are: (a) Community policing is considered as an institution that oversees police performance; (b) Community policing is considered to be able to handle or decide on the settlement of a criminal act, and to decide whether to continue or discontinue a criminal case to be upgraded to an investigation; (c) Community policing is considered a subordinate organization of the police; (d) Community policing is considered an organization funded by the police; and (e) Community policing is considered a mass organization or NGO. Misunderstanding the nature of community policing will result in behaviors that deviates from the provisions of the community policing from the community, for example: (a) To behave arrogantly; (b) To blackmail; (c) To behave in deviant manner in the name of the police; (d) To request money, uniforms, and membership cards during community policing activities; and (e) To request facilities for the Police in the Community Policing activities.

Misunderstanding the philosophy of community policing have resulted in the inability of the community-police communication forum (FKPM) to provide maximum support for achieving the orderly and safe community life. Accordingly, the impact of FKPM is viewed as less tangible and therefore “only an institution” without specific targets, and apart from the existing community policing forum. It must be remembered that the core of community policing activity is a partnership between the police and the community for community problem solving.

Community policing should be used as a medium to establish partnerships and discussion or cooperation forums to inventories and analyze all social issues that exist and emerge related to community disruption. Henceforth, at the stage of problem solving, the community accompanies police officers from the police station to formulate actions which is to be taken in order to create community security in their environment. The community is also subject to bearing costs related to budgeting for problem-solving.

The implementation of community policing in the field which is indicated through the level of community participation in solving social issues, is influenced by the willingness of the people. Police officers from the police station are merely motivators or dynamists. Albeit, the presence of FKPM is very helpful for supporting police tasks in general, and therefore community police officers must be active so that FKPM or community policing may produce tangible works for the sake of creating community security. In addition to the inhibiting factors explained above, lack of personnel within the community policing organization including police officers and the community itself, limited facilities and infrastructure, and constraints of legal substance hinder the effectiveness of community policing.

CONCLUSIONS AND SUGGESTIONS

The functionalization of Bhabinkamtibmas police officers in overcoming disruptions of public order in the Kupang City area is carried out with a door-to-door approach through establishing partnerships and cooperation with locals, and law enforcement situating to the social circumstances. The functionalization of Bhabinkamtibmas Police Officers in the jurisdiction of Kupang City Police Resort in general has its juridical basis as stipulated in the provisions of the laws and regulations that apply within the territory of Indonesian Republic. Albeit, the community in general is yet familiar with the process of law enforcement carried out directly and independently by the police. The presence of Bhabinkamtibmas police officers encompasses the function and role of carrying out public security and order as law enforcement officers with peaceful traits. However, efforts in community policing oftentimes fail to meet optimal results mainly due to the conventional wisdom held by the society, who would want the perpetrators to be processed, prosecuted, and therefore must attend court trials. The working mechanism of Bhabinkamtibmas in carrying out legal issues and peaceful law enforcement has been recognized to assist the policing function that have been fostered in overcoming security and public order problems. So far the Community Policing has only been formed on the basis of the willingness of the local community for certain fields of activity. The presence of community policing is facilitated by all components of the community. In carrying out their role, Bhabinkamtibmas Police Officers must realize to the dynamics of the local social life that always develops towards betterment. Even though there have been models and patterns of peaceful settlement in cases of minor criminal offenses, the community are still negligent to fully cooperate to the mediation decisions sought by Bhabinkamtibmas Police Officers. Therefore, minor criminal cases are oftentimes difficult to resolve through peaceful efforts.
Bhabinkamtibmas Police Officers in community policing must be supported by stronger regulations in such way that as law enforcement officials, resolving social problems peacefully would not entail legality issues. Although peaceful resolutions have been managed by Bhabinkamtibmas Police officers, they have yet to provide optimal results in guaranteeing the nature of justice because the victims would generally feel dissatisfied upon the settlement of the underlying minor criminal case, and therefore would potentially spur up future issues within the community. It is necessary to provide basic knowledge and understanding to each Bhabinkamtibmas officer as a leading agent who is directly dealing with social issues regarding human rights through training, socialization or education activities in such way that Bhabinkamtibmas have more extensive and comprehensive insights, especially related to the protection of human rights.

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