THE LAW ENFORCEMENT BY THE INDONESIAN NATIONAL POLICE (POLRI) TO ADDRESS THE TRIGGERS OF SOCIAL CONFLICT DURING THE 2019 ELECTIONS IN BANDAR LAMPUNG

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Abstract

To address the social conflict triggers during the 2019 elections in Bandar Lampung, it is necessary to implement effective law enforcement. Simply relying on repressive penal measures is insufficient to deter potential perpetrators of election crimes, hoaxes, and hate speech. Likewise, preventive non-punitive approaches are unable to effectively curb the growth of social conflict triggers. Political actors take advantage of Bandar Lampung's history of social conflict, utilizing emotional manipulation as a primary tool in fueling conflicts. Therefore, the Bandar Lampung Police, through their law enforcement authority, must take action to prevent the escalation of these conflict triggers. This paper utilizes a descriptive qualitative approach to conduct research. It focuses on studying the optimization of law enforcement by the Police to minimize social conflicts during the 2019 Election. The research gathers primary data directly from respondents and secondary data from literature studies. The discovery reveals that enforcing the law to minimize social conflicts during the 2019 elections in Bandar Lampung is a challenging task for the police. Both repressive and preventive measures face difficulties. The enforcement of penal law lacks the necessary competence and resources, resulting in limited effectiveness in reducing social conflicts through criminal sanctions. On the preventive side, cooperation between institutions is lacking, polmas policies are not implemented properly, candidate socialization is not optimal, and the SPIS function is not maximized. As a result, hoaxes, hatespeech, and money politics easily spread, causing emotional distress among affected community groups.

Keywords: *2019 Election, Law Enforcement, Social Conflict*

1. INTRODUCTION

In the perspective of globalization, a country will be able to exist in competition with other countries if it has strong, sturdy and solid internal security (*Kamdagri*). To realize a strong, solid and solid Kamdagri, each region must be able to guarantee the Security and Order of its people, especially in the city of Bandar Lampung which has a long history of social conflict. The history of social conflict is easier to trigger conflict in the 2019 elections.

Weber in Collins (1990) explains the complexity of conflict theory, the sources of conflict of interest are many and include supervision of organizations. Another area is the struggle to control "emotion production goods", for legitimacy and domination efforts. Emotion production mechanisms are the main tools used in conflict. Through "rituals of emotion" can be used as domination of an organization, their awareness leads to group alliances (social solidarity) to oppose other groups and undermine the hierarchy of status achievements. Weber organized all aspects of domination through the manipulation of

emotional solidarity, thus encompassing many forms of community stratification based on culture.

Based on this theory, the struggle to control "emotion production goods" by the Bandar Lampung Police is explained by the author that, "emotion production goods" in this case the 2019 Election, considering that the emotion production mechanism is the main tool used in conflict, every election always produces emotions. Therefore, in this theory, there are words of struggle to control, and in this case the Bandar Lampung Police based on statutory regulations have the authority to control the limited implementation of elections so that they can be orderly and in accordance with regulations. The control is in the form of law enforcement both in terms of prevention and repression. However, such control is very difficult so that elections do not produce conflicts considering that social conflicts must occur because society wants change as explained by Ralph in conflict theory (Dahrendorf, 1986). Means of providing criminal sanctions and also prevention efforts are very difficult in creating conducive public order in the 2019 Election (Luter et al., 2022).

Marx and Ralph Dahrendrorf (in (Güçlü, 2014)) explain that, change is a product of class conflict (social conflict and social change are innate in the structure of society. Change occurs because of conflict. Based on the opinion of Marx and Ralph Dahrendrorf, change occurs because of conflict, it can mean that conflict cannot be prevented because society wants change. Law enforcement that is non-penal (prevention) and is an obligation for the Police is unlikely to succeed, considering that change is expected by society. However, preventive law enforcement must still be carried out, even though Polri already knows that preventive efforts are very difficult to prevent social conflict. Thus, legislation governing the prevention of social conflicts for the National Police is a problem in itself. Furthermore, in overcoming social conflict, penal law enforcement is ultimately a priority. This repressive law enforcement will cause a lot of accumulation of cases and in special law enforcement, special competence is also needed in the investigation and investigation process. This condition has not been fully owned by investigators so that there are still allegations of unresolved special criminal acts, especially in handling social conflicts in the 2019 elections, and these problems are expected not to occur again in the upcoming 2024 elections.

Juri Ardiantoro (2017) argues that elections are actually a means of managing conflict so that political competition takes place in a civilized manner. Thus, the implementation of elections and elections is always characterized by conflicts that ultimately require security from the Police. In the Bandar Lampung Police Lapsat, it is explained that the development of the political situation at the national level indirectly affects the implementation of the government system in the region/region, this is often exploited by intellectual actors who have political interests to create certain situations by involving other parties (mass organizations, NGOs and Pok Preman); the presence of community organizations as a base or as an underbow of political parties provides an opportunity for the presence of the potential power of the community, this condition is the forerunner of the formation of threats and vulnerabilities to a conducive kamtibmas situation by utilizing mass power and proximity to political elites as interest holders and policy makers. Even in the Anev Potential Social Conflict of Bandar Lampung Police in 2018, it is known that there is a potential conflict originating from IPOLEKSOSBUDHANKAM (Ideology, Politics, Economy, Social Culture and Security Defense) and SARA (racial issues).

Based on the election vulnerability score, Lampung Province is categorized as 'Yellow Lampung' in terms of vulnerability to election violations. Of the 34 provinces in Indonesia, Lampung is ranked 13th most prone to election violations (Christiyaningsih, 2019). The potential for black campaigns can be carried out for political purposes. Black campaigns aim to bring down political opponents through unsubstantiated issues. Article 86 paragraph (1) letter d of Law Number 7 of 2017 concerning General Elections explains that things that are prohibited in the implementation of the legislative election campaign are inciting and pitting individuals or the community against each other. Meanwhile, black campaigns carried out during the presidential election are regulated in Article 214 jo Article 41 paragraph (1) of Law Number 42 of 2008 concerning Presidential Elections. The article regulates the sanctions for every implementer, participant and officer of the presidential election campaign who incites and pits individuals or the community against each other is imprisonment for a minimum of six months to 24 months and a fine of at least six million rupiah and a maximum of twenty-four million rupiah.

In order to create peaceful elections, Bandar Lampung Police needs to ensure that in 2018 no potential conflicts arise that can develop into social conflicts. This condition has not been prevented considering the spread of hatred, hoaxes, and fake news which is a form of black campaign has occurred. Therefore, efforts are needed to prevent social conflicts in the 2019 elections by paying attention to the conception of democratic policing, which according to Tito Karnavian (2017) is that the police as holders of the mandate of the community, should be professional, refer to the law, and uphold ethical values and norms that apply in society and institutions.

2. RESEARCH METHODS

The type of research in writing this paper uses a descriptive qualitative method (Soekanto, 2007). Through this method, the process of optimizing law enforcement by the Police to reduce the potential for social conflict in the 2019 Election is studied. The data used are primary data obtained from respondents directly and secondary data by conducting research from literature studies.

3. RESULTS AND DISCUSSION

3.1. Law Enforcement by the Police to Overcome Triggers of Social Conflict in the 2019 Elections in Bandar Lampung

The triggers of social conflicts based on the history of social conflicts that have occurred in Bandar Lampung according to data from Satintelkam Polresta Bandar Lampung are conflicts between *pokbal* (conventional motorcycle taxi) and gojek (online-based transportation), Church Construction in Tanjung Senang, Rejection of RT 02 and RT 03 Lingsuh community members of Rajabasa Jaya Village, Rajabasa subdistrict for the worship activities of Christians and the construction of the Kemah David Church, the protests of the people of Bandar Lampung city due to money politics in the 2018 simultaneous regional elections.

The history of social conflict is still remembered by the community and can trigger people's emotions. People who have been involved in emotions are easily influenced by hoaxes that are deliberately spread through social media and electronic media. Hoaxes,

which are "emotional production goods" based on Weber's theory of conflict, are actually used to produce emotions, in this case used by political actors who are fighting for power in the upcoming 2024 elections.

The weaknesses of law enforcement in overcoming social conflicts in the 2019 elections can be used as valuable lessons and experiences by Bandar Lampung Police in order to create security and public order in the upcoming 2024 elections. These weaknesses are as follows:

1. Law enforcement is repressive (Penal)
    a. In conducting investigations related to criminal acts that can trigger social conflict in the 2019 Election, it is not easy to do, especially in cybercrime. Cyber abuse that leads to cyber crime is a crime that utilizes information technology with all kinds of computer network use for criminal purposes and or high-tech crimes using the convenience of digital technology. The perpetrators of cyber crime commit their crimes with various modus operandi to realize their actions that utilize the facilities and infrastructure of information and communication technology and can be done by anyone without recognizing regional boundaries. In addition to not recognizing regional boundaries, these crimes also have special characteristics, so that in the cyber world, offenders are often difficult to catch. Although Law number 11 of 2008 concerning Electronic Information and Transactions (ITE) has been issued, its application by police investigators, especially at the Bandar Lampung Police Criminal Investigation Unit, is still not optimally perceived.

        In the investigation process, according to the Head of Criminal Investigation Unit of Bandar Lampung Police, there is still a lack of communication between investigators and elements of the Criminal Justice System both formally and non-formally to equalize perceptions of handling cybercrime cases, the impact is that there are frequent returns and resubmissions of case files from public prosecutors to police investigators in cybercrime cases, indicating the absence of understanding and integration in handling cybercrime cases. According to Luhut. M.P in H.M. Prasetyo H.M. (2017) in the perception of prosecutors, the police do not understand that special criminal investigations are much more difficult than general crimes and require extensive knowledge. Often files that have been P21 are returned by the prosecutor because they consider that there is no *Mens rea* or incomplete (*Mens rea* refers to criminal intent). In addition, there are often differences of opinion between research prosecutors and investigators regarding the determination of whether or not *Mens rea* requires expert testimony. For investigators, the existence of evidence in the form of electronic documents and log files can fulfill the existence of *Mens rea* elements or not.

        In handling cybercrime cases with reference to the application of the formal principles of Law No. 11 of 2008, there are 2 (two) very important things that must be fulfilled by investigators who apply the law, namely: Article 43 paragraph 3, which states that the search and/or seizure of electronic systems related to alleged criminal offenses must be carried out with the permission of the head of the local district court; and Article 43 paragraph 6, which states that in the event of arrest and detention, the investigator through the public prosecutor must request a stipulation from the head of the local district court within one

time twenty-four hours. These two formal requirements are often an obstacle in the disclosure or settlement of cyber crimes by investigators. So that in the filing of cybercrime cases often do not apply the ITE Law article but only the general criminal article as referred to in the Criminal Code.

Furthermore, in the disclosure of suspects, it often cannot be determined exactly who the perpetrator is because cybercrime perpetrators can commit their crimes through computers anywhere without witnesses knowing it directly. The most distant tracking results can only find the IP Address of the perpetrator and the computer used.

In addition, the handling of complex cybercrime cases is one of the reasons why the police are busy (Meliala, 2017). Bandar Lampung is no exception, with the accelerating globalization, various forms of community activities are supported through the internet, including cyber crime. The speed of information flow through cyber makes all activities effective and efficient. The use of social media for drug trafficking, hoaxes, hate speech and so on is an important note for the police and prosecutors to synergize in enforcing the law professionally.

In the investigation of money politics cases, it is very difficult to find *Mens rea*. Witnesses examined by investigators are not sure whether the act of giving money is money politics or not. There is even a witness statement who testified that there were candidates who often gave money, but it was done since before the campaign period. And according to the witness, this was usually done because even before becoming a candidate, the reported party often helped residents either by giving money or food. Therefore, investigators have difficulty finding *Mens rea* because the reported party has been known by the wider community as a generous person for a long time. This may mean that helping by giving money or food has become a habit without any specific intention for residents to vote for the reported party as a legislative candidate.

Therefore, the opinion of Muladi & Arief (1984)) is correct, which says that the policy of determining what type of criminal sanction is considered the best to achieve the goal, or at least close to the goal, cannot be separated from the issue of selecting various alternatives. The problem of selecting various alternatives to obtain which punishment is considered the best, most appropriate, most appropriate, most successful or effective, is clearly a problem that is not easy.

b. Case title according to Article 1 (17) of Perkaba No. 4/2014 on supervision is an activity of delivering an explanation of the process or results of investigations and investigations by investigators to title participants in the form of group discussions to obtain responses/input/corrections in order to produce recommendations to determine the follow-up of the investigation process.

At the planning stage, only budgeted for case titles in special cases such as corruption, online fraud, drugs. Case titles are not carried out in cases of hoaxes, hatespeech and money politics. This makes it natural that investigations into hoaxes, hatespeech and money politics are not maximized, and according to the Head of Criminal Investigation Unit of Bandar Lampung Police, this does not have a deterrent effect considering that hoaxes, hatespeech and money politics are still carried out by the community. Not conducting a case title causes

supervision in the investigation to be weak and can lead to corruption, collusion and nepotism.

Based on an interview with the Head of Criminal Investigation Unit of Bandar Lampung Police, there are no investigators who understand the criminal act of money politics. Therefore, allegations of money politics crimes that have been handled only reach the investigation stage. In addition, assistance to improve the quality of case titles is rarely carried out, so there is no guidance for investigators with criminal investigation management material and Standard Operation Procedure (SOP) for case titles, considering that some investigators know and learn the stages of investigation by self-taught and asking senior investigators they know, not through the learning process at dikjur / training and socialization. This can mean that personnel do not know Perkap No. 14 of 2012 concerning Management of Criminal Investigations which regulates the things that are needed / must be done in the investigation stages and the objectives of each stage. This condition causes investigators to hesitate in upgrading investigations to investigations in cases of alleged criminal acts of money politics.

In addition, investigators still have limited knowledge of the laws governing cyber crimes and criminal sanctions as well as limited knowledge of software in the form of technical guidelines in the technical disclosure of cyber criminals by studying the anatomy and modus operandi of the criminals.

Furthermore, according to the Head of Criminal Investigation Unit of Bandar Lampung Police, there is still limited understanding of investigators about evidence that can be used in cyber crime cases. Evidence that has been understood by police personnel is physical evidence that can be seen with the naked eye and tangible form so that this makes it difficult for the disclosure of cyber crimes whose evidence is all electronic and digital.

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c. In general, during the implementation of the 2019 Elections, Bawaslu has received 2,724 reports or findings of election crimes, much less than the 2009 Legislative Elections which occurred 6,017 cases of criminal violations throughout Indonesia (Ramdansyah in (Sudi, 2019)). Of the 2,724 reports or findings, 582 cases proceeded to the investigation stage, 132 cases stopped at the investigation stage, and 41 cases stopped at the prosecution stage. Meanwhile, the total number of cases that continued to the examination stage in court until a legally binding decision was issued (*inkracht van gewisjde*) was only 320 cases. Although the stalling of cases at the investigation and prosecution stages was caused by many reasons, the most dominant was due to the absence of a common perception between Bawaslu, the police and the prosecutor's office simultaneously in handling election criminal cases.

Examining Article 477 of Law Number 7 of 2017 concerning General Elections, which does not mention which institution is authorized to carry out the investigation process after Bawaslu and / or its ranks up to the District Panwaslu forward reports of alleged election crimes to the Indonesian National Police, it can be ascertained that the institution authorized to investigate criminal acts in the 2019 Elections is the Indonesian National Police, based on Article 1 point 4 of Law No. 8 of 1981 which explains that, "Investigators are officials of the Indonesian National Police authorized by this law to conduct investigations."

In Article 476 of Law Number 7 of 2017 concerning General Elections, it is explained that reports of alleged election crimes are forwarded by Bawaslu, Provincial Bawaslu, Regency / City Bawaslu, and / or Sub-district Panwaslu to the Indonesian National Police no later than 1 x 24 (one time twenty-four) hours after Bawaslu, Provincial Bawaslu, Regency / City Bawaslu, and / or Sub-district Panwaslu state that the alleged act or action is an election crime. By paying attention to Article 476 (1) of the Election Law, it is clear that Bawaslu's function is to forward reports of alleged election crimes to the National Police.

Furthermore, Article 476 (2) explains that acts or actions suspected of being an election crime as referred to in paragraph (1) are declared by Bawaslu, Provincial Bawaslu, Regency / City Bawaslu, and / or Sub-district Panwaslu after coordinating with the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia in Gakkumdu. Thus, to determine acts or actions that are suspected of being an election crime, it is mandatory to coordinate with the National Police.

In the case of money politics handled by the Bandar Lampung Police Criminal Investigation Unit, after Bawaslu forwarded the alleged money politics crime to the Police investigator at the Bandar Lampung Police Criminal Investigation Unit, the report was not forwarded to the investigation stage. This is because the investigator has not attended special training on the investigation and investigation of election crimes as required by Article 478 (a) of the Election Law, because if it is continued, maladministration will occur. The absence of rules that provide opportunities for Bawaslu members to become investigators together with Police investigators is a problem for Police investigators to conduct investigations professionally.

2. Law Enforcement is Preventive (Non Penal)
   a. Less than optimal cooperation of prevention function units (Satbinmas, Satintelkam, Satsabhara, Bag Public Relations, Bag Ops) with stakeholders (TNI, Information Media and Electronic Media, Kesbanglinmas) in preventing social conflict in the 2019 Election. The condition of cooperation with stakeholders is analyzed through the concept of problem impact-based policing According to Waluyo (2018), problem impact-based policing is policing to deal with various impacts that are not actually part of the police element. However, when they become a problem, the impact will disrupt, threaten and damage productivity. Its handling requires integration (integration) from stakeholders or between functional units), non-penal law enforcement theory (non-penal law enforcement according to Soerjono Soekanto (1986), this non-penal law

enforcement effort focuses more on prevention before crime occurs and is indirectly carried out without using criminal means or criminal law). Based on these concepts and theories, the prevention of social conflict is not the authority of the Police, but because election crimes can trigger social conflict, each prevention function unit can synergize with stakeholders.

b. The personnel were not disciplined in conducting door to door patrols and village visits to the citizens of Bandar Lampung in accordance with Article 11 c (1) and (2) of Perkap 3 of 2015 on Community Policing so that the community was not given the understanding to be able to reject black campaigns and money politics. In addition, it is known that *Bhabinkamtibmas* personnel scattered throughout the villages in the Bandar Lampung area still do not have sensitivity to the development of the situation in their area. Then due to geographical factors and a considerable distance from the Police Station resulting in a low sense of responsibility in conducting mobilization, personnel also still do not have the awareness to be able to join the community so that early detection and mobilization and information gathering are considered still low.
c. Lack of responsibility of personnel in supervising the socialization and campaign of candidates and volunteer teams. This condition can be utilized by candidates to influence the masses to get involved in social conflict.
d. There are still personnel who do not seriously inform the news to counter hoaxes through the websites of Bandar Lampung Police and Serve and Protection Integration System (SPIS), so that the site still does not contain any information that is useful for the community to prevent social conflict. In addition, there is no program to manage media management to prevent the causes of social conflict from developing into conflict. The task of conflict prevention in the 2019 General Election is impossible to achieve by relying on the role of Satbinmas, Satintelkam and Satsabhara alone, considering that the spread of hoaxes carried out through social media and electronic media can trigger conflict. The lack of delegation of the task of preventing conflict in the 2019 elections through social media to the right function has caused the implementation of conflict prevention to be less than optimal.
e. Lack of creativity and motivation from personnel in developing, upgrading and improving the function of the Serve and Protection Integration System (SPIS) so that the application until then was still monotonous and had not been used to prevent social conflicts in the 2019 Election.

Based on the weaknesses above, law enforcement in reducing social conflict triggers in the 2024 elections should be more optimal. The current conditions of hoaxes, hate speech, money politics should have been overcome by understanding the weaknesses of handling social conflict triggers in the 2019 elections.

4. CONCLUSION

Law enforcement by the police to reduce social conflicts in the 2019 elections in Bandar Lampung both from the repressive and preventive sides is not easy to do. In terms of penal law enforcement, it is not supported by competence in accordance with statutory regulations, case titles that are faced due to limited budgets so that it is not optimal in reducing social conflict by prioritizing the provision of criminal sanctions. Law enforcement on the preventive side is also unable to reduce potential conflicts so that they do not develop, considering that cooperation in reducing conflicts is not well established between institutions, community policing (*polmas*) policies that are not running, escorting the socialization of candidates is not carried out optimally, the SPIS function has not been maximized so that hoaxes, hatespeech, and money politics are easily carried out and generate emotions for community groups that feel disturbed.

REFERENCES

Ardiantoro, J. (2017). Catatan singkat penyelenggaraan pilkada serentak 2017. *Pemilu Demokrasi*, *1*.

Christiyaningsih. (2019). Lampung Masuk Lampu Kuning Rawan Kecurangan Pemilu. *News.Republika.Co.Id*. https://news.republika.co.id/berita/pp0v2q459/lampung-masuk-lampu-kuning-rawan-kecurangan-pemilu

Collins, R. (1990). Conflict theory and the advance of macro-historical sociology. In *Frontiers of Social Theory. The New Syntheses* (pp. 68–87). Columbia University Press.

Dahrendorf, R. (1986). *Konflik dan konflik dalam masyarakat industri: sebuah analisa-kritik*. Penerbit CV Rajawali.

Güçlü, İ. (2014). Karl Marx and Ralf Dahrendorf: a comparative perspective on class formation and conflict. *Eskişehir Osmangazi Üniversitesi İktisadi ve İdari Bilimler Dergisi*, *9*(2), 151–168.

Karnavian, M. T. (2017). The Role of the National Police in Countering Insurgencies in Indonesia. *Counter Terrorist Trends and Analyses*, *9*(9), 8–13.

Luter, A., Sinaulan, R. L., & Ismed, M. (2022). Pre-Trial: The Suspects' Ultimate Weapon And Correction Tool For Investigators To Be More Professional From The Perspective Of Legal Expediency. *Policy, Law, Notary And Regulatory Issues*, *1*(2), 73–84. https://doi.org/https://doi.org/10.55047/polri.v1i2.154

Meliala, A. (2017). Revitalisasi Satuan Kepolisian Pengemban Fungsi Kepolisian Antagonis. *Jurnal Ilmu Kepolisian*, *11*(2), 5.

Muladi, & Arief, B. N. (1984). *Teori-teori dan kebijakan Pidana*. Alumni.

Prasetyo H.M. (2017). *Sinergitas Kejaksaan dan Kepolisian dalam Proses Penegakan Hukum*. Sespim Polri.

Soekanto, S. (1986). *Teori Efektifitas Hukum*. Gramedia.

Soekanto, S. (2007). *Penelitian hukum normatif: Suatu tinjauan singkat*.

Sudi, P. (2019). Problematika Penegakan Hukum Tindak Pidana Pemilu 2019. *KPU*.

Waluyo, D. (2018). Strategi Democratic Policing Mewujudkan Polri Sebagai Polisi Sipil Yang Profesional, Modern Dan Terpercaya. *Harianterbit.Co*. https://harianterbit.co/2018/07/03/strategi-democratic-policing-mewujudkan-polri-

sebagai-polisi-sipil-yang-profesional-modern-dan-terpercaya/

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