

Pre-Emptive Law Enforcement Efforts of Community Policing in the Prevention of Terrorism Crimes Based on Justice Values

Original Article

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Abstract

This research aims to: 1) Analyze the pre-emptive law enforcement efforts of Community Policing in the prevention of terrorism crimes based on the value of justice; 2) Analyze obstacles in efforts to enforce the pre-emptive law of Community Policing in the prevention of terrorism crimes based on the value of justice. The research method used is sociological juridical. The results of the study show that pre-emptive law enforcement efforts in the prevention of terrorism crimes have not been based on the value of justice, especially from the economic aspect, because the regulation of the pre-emptive policy model of community policing (Polmas) which is regulated in the Regulation of the Chief of the National Police of the Republic of Indonesia Number 3 of 2015 concerning Community Policing (Polmas), has not regulated operational costs that should be allocated in order to carry out Polmas duties. Obstacles in the current pre-emptive law enforcement efforts to prevent terrorism crimes based on the value of justice are related to obstacles from legal substance, which include: unregulated operational costs, infrastructure, career path coaching, and reporting systems for Bhabinkamtibmas members.

Keywords: Bhabinkamtibmas, Community Policing, Justice, Law Enforcement, Terrorism

1. Introduction

Indonesia as a country born in the 20th century, adopted the concept of rule of law in accordance with the principles of constitutionalism (Ridlwan, 2011). The idea of the rule of law goes beyond just being a State of Power. It also involves acknowledging the importance of the supremacy of law and the constitution. Additionally, it includes the principle of separating and limiting powers according to the constitutional system outlined in the basic law. The protection of human rights is also crucial in the basic law. A fair and unbiased judicial system is another key aspect, ensuring that every citizen is treated equally under the law and that justice is available to all, even in cases of power abuse by those in authority (Ridlwan, 2011).

Fundamental matters of the organization of a country are generally stipulated in the country's constitution, including what is the purpose of its formation. The opening statement of the 1945 Constitution of Indonesia emphasizes the government's duty to safeguard all citizens and enhance their well-being. Ensuring the security and orderliness of the nation is crucial for its progress and prosperity. The state plays a crucial role in educating the population and working towards global peace and justice (Sugianta et al., 2022).

Public safety and tranquility are very important and related to public order. If public order cannot be realized, the community will dissolve, disappear. This means that the need for security and tranquility is the basic modality of society in running and ensuring the continuity



of its life. Conflicts of interest are now resolved based on rules that prioritize objective interests and values, rather than strength, thanks to the presence of laws. This approach, known as justice, ensures equality between those who are powerful and those who are not. The function of law is very much felt in the life of society, that function is in an effort to realize a good common life (Parengkuan et al., 2024).

There are many criminal offenses or acts against the law that occur in society, one of which is the crime of terrorism. A specific characteristic that is very dominant in the crime/criminal act of terrorism is to make the atmosphere of society tense and very widespread. The widespread fear and anxiety that is deliberately caused is what distinguishes Terrorism from other Crimes (Wirawan et al., 2024).

Until now, there is no uniform definition of the term "Terrorism". However, Article 1 Paragraph (1) of Law Number 5/2018 on the Amendment to Law Number 15/2003 states that "*The crime of terrorism is any act that fulfills the elements of a criminal offense in accordance with the provisions of this Law*". This phrase affirms that the crime/criminal act of terrorism has a special character. Preventing and implementing strategies is necessary to be precise, quantifiable, and have a dissuasive impact on offenders and other terrorist organizations (Wirawan et al., 2024).

Combating terrorism should be approached systematically and consistently, as it is intertwined with the concept of national resilience, requiring policies and measures that also seek to preserve an equilibrium in safeguarding the State's sovereignty. Dealing with terrorist crimes goes beyond legal and law enforcement matters, encompassing social, cultural, and economic aspects, therefore necessitating a strategic and consistent approach to ensure the protection and promotion of the human rights of individuals.

In line with its responsibilities, the Indonesian National Police (Polri) is faced with various crime problems that disturb the stability of security and order of a group of people. The National Police has a policy in the form of providing self-initiated security guidance that participates or participates in a group of communities actively in fostering *Kamtibmas* or Public Order/Security, which is also known as community policing (Polmas) (Suyono, 2013).

One of the efforts to improve security and prevent criminal acts of terrorism is through the role of *Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat* (Bhabinkamtibmas) in each village / kelurahan, as well as community empowerment through the application of Polmas by instilling an understanding of the noble values contained in Pancasila to the community. However, in its implementation there are still obstacles faced by Bhabinkamtibmas which include legal substance, legal structure and legal culture.

Based on the background description, the author intends to conduct research and compile a journal with the title: "Community Policing Pre-Emptive Law Enforcement Efforts in the Prevention of Justice Value-Based Terrorism Crimes", with the formulation of the problem: 1) How are the pre-emptive law enforcement efforts of community policing in preventing criminal acts of terrorism based on the value of justice? 2) How are the obstacles in the pre-emptive law enforcement efforts of Community Policing in the prevention of criminal acts of terrorism based on the value of justice?

2. Literature Review

According to Barda Nawawi Arief, the purpose of criminal policy is to address criminal behavior as a crucial aspect of safeguarding society and promoting societal well-being. As a result, the primary aim of criminal law policies is to ensure the safety of the community in order to enhance public welfare (Arief, 2016).

Crime prevention with preemptive action is the development of Police function tasks that emphasize the implementation of tasks originating from correlative factors in the form of vulnerabilities that have a negative impact on society by examining and finding the knot of causes that are latent potential at the source through efforts that prioritize prevention and deterrence.

The strategies implemented to stop criminal activities are considered a crucial aspect of criminal policy. Criminal policy is viewed as a logical approach by society to address illegal behavior, and can involve both punitive and non-punitive measures (Santoso & Zulfa, 2017). Using criminal legislation as a means to control crime is known as criminal politics through penal methods. It is essential for law enforcement personnel to have a comprehensive understanding of criminal law and be able to identify and interpret human behaviors in order to enforce these laws effectively and justly (Santoso & Zulfa, 2017).

According to the Law Number 5/2018 which amends Law Number 15/2003, terrorism is described as any action that meets the criteria for a criminal offense as outlined in this law. James Adams gives his own interpretation of terrorism, stating that it involves the use or threat of physical force by individuals or groups for political motives, whether to support or oppose the current establishment. The aim of such acts of terrorism is to cause fear, cripple, or intimidate factions looking to overthrow particular governments, address group or national grievances, or weaken the global political system.

The concept of justice is essential within the realm of law. It is important for the principles of justice to be integrated into the legal system in order to truly embody the essence of the law, as the main objective of laws is to promote fairness and equity within society (Santosa, 2016). The principles of fairness should serve as the foundation for the collective life of the nation in order to achieve the objectives of the nation, which include promoting the well-being of all its inhabitants and the entire land, as well as providing education for all citizens. The values of justice play a crucial role in shaping the relationships between different countries on a global scale. These principles are essential for maintaining harmony and order in the way nations interact with each other, with a focus on independence, lasting peace, and social justice for all (Santosa, 2016).

The ability to use a systematic method of thinking to compile theories that support problems that are considered relevant by researchers is known as a theoretical framework. The author tries to use the Theory of Law Enforcement and the Theory of Justice to conduct a scientific analysis of the issues discussed in this journal as follows:

2.1. Theory of Law Enforcement

Law enforcement, according to Soerjono Soekanto, involves the reconciliation of values outlined in regulations, consistent perspectives, and demonstrating them through behaviors as a progression towards establishing harmonious social interactions (Rahardjo, 2006).

Sudikno Mertokusumo emphasized the importance of the law in safeguarding human interests. He stressed the need for the law to be enforced in a peaceful and regular manner, while also acknowledging the existence of violations that require strict enforcement to ensure that the law is truly upheld (Mertokusumo, 2005). Law enforcement contains three elements, namely legal certainty (*rechtssicherheit*), expediency (*zweekmassigkeit*), and justice (*gerechtigheit*).

According to A. Hamid S. Attamimi as quoted by Siswanto Sunarno, law enforcement is essentially the enforcement of legal norms, whether they function as orders (*gebod*, command) or other functions such as authorizing (*ermachtigen*, to empower), allowing (*erlauben*, to permit), and deviating (*derogieren*, to derogate) (Sunarso, 2005).

According to Koesnadi Hardjasoemantri, the implementation of laws involves different avenues and consequences ranging from administrative to criminal penalties. The responsibility of upholding laws falls on the entire society and therefore a clear understanding of rights and responsibilities is essential. Rather than being mere spectators, the community actively participates in the enforcement of laws (Hardjasoemantri, 2017).

2.2. Theory of Justice

Aristotle discusses his views on justice in his book *Ethics Nichomachea*. According to Aristotle, justice involves following the laws of the society, both written and unwritten, which is considered a virtue that applies universally. Aristotle believed in equality as a fundamental aspect of justice. This equality can be seen in two forms - numerical equality, where every individual is considered equal in one regard, and proportional equality, where each person is given what they deserve based on their capabilities and accomplishments (Rhiti, 2015).

John Rawls argues that justice is fairness, rooted in the social contract theory of Locke, Rousseau and Kant and Kant's deontology. The concept of justice based on fairness emphasizes the importance of procedural justice, where the fairness of a situation is determined solely by the process involved, rather than a specific standard of fairness. In this view, justice is evaluated based on the procedures followed rather than the end result (Rhiti, 2015). According to Rawls, there are two key principles of justice. The first one is the principle of maximum equal freedom, while the second one consists of the difference principle and the principle of fair equality of opportunity. The difference principle entails organizing the fundamental structure of society in a manner that improves the opportunities for the least advantaged individuals in terms of welfare, income, and power (Rhiti, 2015).

Thomas Hobbes suggests that fairness in an action is determined by the presence of a mutually accepted agreement. According to him, justice is attainable only when two parties come to a mutual agreement and make promises to each other (Albani, 2017). Roscoe Pound believes that justice is best understood through the tangible benefits it brings to the community. According to Pound, the outcomes should focus on meeting as many human needs as possible while minimizing the required sacrifices (Rahardjo, 2006). Hans Kelsen believes that the presence of a specific social structure is essential for nurturing the pursuit of truth. In his view, justice encompasses freedom, peace, democracy, as well as tolerance (Rahardjo, 2006).

2.3. Previous Research

Research by I Putu Edi Wirawan, Subekti, Yoyok Ucu Suyono, Ernu Widodo (2024) with the title "Implications of Law Enforcement on The Declaration of The Papua Terrorist Criminal Group as A Terrorism Organization". The main goal of this research is to assess the suitability of designating the Papua Armed Criminal Group (KKB) as a terrorist organization and to analyze the resulting consequences for law enforcement. The findings indicated that labeling the Papua KKB as a terrorist group is valid as the violent actions carried out align with the criteria for terrorism under Law No. 5 of 2018. This necessitates modifications to legal tools, adjustments to formal laws, enhanced responsibilities for relevant agencies, and a call for authorities to exercise caution to prevent unintended consequences (Wirawan et al., 2024). Meanwhile, the difference between this research and this research is that the author intends to conduct research and compile a journal with the title: "Community Policing Pre-Emptive Law Enforcement Efforts in the Prevention of Justice Value-Based Terrorism Crimes", with the formulation of the problem: 1) How are the pre-emptive law enforcement efforts of community policing in preventing criminal acts of terrorism based on the value of justice?, 2)

How are the obstacles in the pre-emptive law enforcement efforts of Community Policing in the prevention of criminal acts of terrorism based on the value of justice?

This research examines the pattern of community involvement in Sipandu Beradat as an effort to prevent criminal acts in Buleleng Regency and its effectiveness. The results show that the pattern of community involvement in Sipandu Beradat is voluntary involvement at the initiative of the community. However, the involvement has not been effective due to problems with funding, coordination, common perception and understanding and is considered to overlap with other security systems (Sugianta et al., 2022). Meanwhile, the difference between this research is the location of the research and related to pre-emptive law enforcement efforts of community policing in preventing criminal acts of terrorism.

3. Methods

This research utilizes a juridical sociological approach, which involves recognizing law as a practical social institution within a functioning societal system (Soekanto, 1986). The sociological juridical method focuses on conducting research to gain practical legal insights by directly studying the subject. In this case, the goal is to understand the proactive measures taken by the Balikpapan City Police to prevent terrorism, based on principles of justice. The intention of this study is to provide detailed descriptions of individuals, situations, symptoms, or specific groups, as well as to assess potential connections between different symptoms within society.

The data sources in this research are obtained through:

a. Primary Data

Primary data is information collected directly from the source, either through individual interactions or original research (Amirudin & Azikin, 2004). In general, primary materials contain actual material obtained directly from the field by interview. The author directly from the original source that has not been processed and described, in this writing the researcher conducted an interview with the investigator who handled the case.

b. Secondary Data

Secondary data refers to information gathered through research of written materials such as literature, articles, and relevant laws and regulations, in addition to other sources that pertain to the research topics and goals. This type of data includes:

1. Primary Legal Materials, which are materials that have binding force consisting of laws and regulations.
2. Secondary Legal Materials, namely materials that provide explanations of primary legal materials, in the form of books written by legal scholars, decisions, research literature, legal journals and others.
3. Tertiary Legal Materials refer to sources that offer insights on primary and secondary legal materials through resources such as legal dictionaries, encyclopedias, and KBBI.

Data collection is conducted in order to gather the necessary information to fulfill the goals of the research. Various methods are implemented in the process of data collection, such as:

a. Document Study

The study is conducted in the field where the researcher conducts research in the jurisdiction of Balikpapan City Resort Police to obtain data on pre-emptive law enforcement efforts in preventing terrorism crimes based on justice values.

b. Interview

The author collects data by conducting direct interview. The interview is semi-structured, i.e. besides preparing a list of questions, it also develops other questions related to the problem to be studied. After the data is collected, it is then analyzed using the qualitative analysis method (Surakhmad, 1999). Data obtained from laws and regulations related to preemptive law enforcement efforts in preventing criminal acts of terrorism based on the value of justice, arranged in the form of data preparation then data reduction or data processing produces data presentation and conclusions can be drawn.

4. Results and Discussion

4.1. Pre-Emptive Law Enforcement Efforts of Community Policing in the Prevention of Terrorism Crimes Based on Justice Values

Law enforcement of criminal acts of terrorism in Indonesia is regulated in Law Number 5/2018 on the Amendment to Law Number 15/2003 on the Stipulation of Government Regulation in Lieu of Law Number 1/2002 on the Eradication of Criminal Acts of Terrorism into Law. In addition, the eradication of criminal acts of terrorism is also carried out by the National Counterterrorism Agency (BNPT), which was established based on Presidential Regulation Number 46 of 2010 (Wibowo, 2021).

BNPT is responsible for eliminating terrorist activities through the development of national policies, strategies, and programs, as well as coordinating with various agencies to implement counter-terrorism measures. In the law enforcement process, the formal criminal law used still refers to the Criminal Procedure Code, as long as it is not specifically regulated in the Terrorism Eradication Law (Wibowo, 2021).

BNPT has strategic tasks and functions in the form of providing intelligence information to Special Detachment 88/Densus 88 of the Indonesian National Police, so that the potential emergence of terrorism crimes can be prevented, so as not to cause victims and at the same time arrest the perpetrators for legal processing. The series of explosions that occurred in Indonesia were mostly motivated by spiritual or religious motives. The root of the problem lies in the narrow, rigid and subjective interpretation of religious texts (Rusman, 2018).

Prevention and enforcement of criminal acts of terrorism cannot be carried out only by preventive or repressive means, considering that criminal acts of terrorism also develop following human civilization and science and technology. Law enforcement has reached a nadir where people do not respect the law and the authority of law enforcers has declined so that the law can no longer provide a sense of security and peace (Warasih, 2000).

Reflecting on the terrorism incidents that occurred, the ability and sensitivity of the community greatly assisted the police in tackling criminal acts of terrorism, since terrorists typically reside among the general population without standing out as individuals responsible for terrorist activities. Such conditions require efforts to invite and empower village communities, spearheaded by Bhabinkamtibmas, together with village heads and Babinsa (Rusman, 2018).

Each individual in the community has an impact on the relationship with law enforcement, solving problems in the community can be resolved properly when there is good cooperation between the community and the Police. The National Police will not succeed well in organizing a conducive *kamtibmas* or public order situation if the people in the environment do not play an active role in cooperating with the Police (Rifai, 2019).

In preventive and repressive efforts to deal with crime/criminal acts of terrorism, BNPT coordinates with the Police Detachment 88 so that the potential for terrorism crimes can be

prevented and perpetrators can be arrested for legal processing. Furthermore, it is important to involve the villagers, led by Bhabinkamtibmas, to stop the spread of radical beliefs and terrorism within the community (Wibowo, 2021).

One of the efforts to counter terrorism carried out by the National Police is to improve the capabilities of the security apparatus and counteract terrorism through community participation. Community participation in the prevention of acts of terrorism is indeed very important. Public awareness of the shared responsibility and commitment to combat terrorism is a crucial aspect of the community's role. This awareness can grow through the maximization of the national security and order program (kamtibnas) and conducting counseling to the community consistently and continuously (Setyabudi, 2019).

The Community Policing program is a strategy aimed at enhancing public confidence in the National Police. By fostering collaborations between law enforcement officials and community members, the program enables them to jointly address and resolve issues concerning public security and order in their surroundings (Setyabudi, 2019).

Countermeasures against terrorism crimes and the prevention of terrorism threats must use non-penal efforts that are preventive and preemptive. Such non-penal efforts are believed to be a means of preventing the development of radicalism understanding that triggers acts of terrorism, so this effort should be prioritized over repressive efforts (Nasution, 2012).

Preventive measures taken by the Government in the context of countering terrorism crimes include increasing security and supervision of firearms, transportation systems, public facilities, communication systems, VIPs, diplomatic facilities, explosives and chemicals, borders, issuance of travel documents, registration of population administration, supervision of community activities that lead to acts of terror, intensification of self-defense security activities, anti-terrorism campaigns through the mass media, and others (Nasution, 2012).

According to Arsyad Mbai, preemptive efforts in preventing radical understanding that trigger acts of terrorism and the threat of terrorism can be carried out through the enlightenment of religious teachings by religious leaders to eliminate extremism and radicalization, respond to the demands of terrorist politics with policies that accommodate aspirations, the involvement of radical groups in the peaceful resolution of conflicts, the designation of terrorist organizations as prohibited organizations, and socio-economic programs such as alleviation poverty, equitable development, job creation, control of the educational curriculum, and others (Nurita, 2022).

The deradicalization program can be implemented by the government by collaborating with various elements of society, such as community leaders, religious leaders, and community organizations. The collaboration is intended to facilitate the implementation of socialization to the public about how the concept of jihad is correct according to religious teachings, so that the radical doctrine spread by terrorism networks will not affect the minds of the public (Nurahman & Sukardi, 2021).

The concept of Community Policing (Polmas) in English is known by several terms, namely Community Based Policing, Community Oriented Policing, Neighborhood Oriented Policing and Community Policing. Among these terms, Community Policing is the most frequently used term. The Community Policing Approach or commonly called Polmas is one of the grand strategies of the National Police in overcoming security problems that occur in regions in Indonesia (Alim, 2019).

The main goal of the concept of Community Policing is so that the community can be empowered and at least have an understanding to be able to participate in maintaining order and security so that they are avoided and not trapped as perpetrators of violent extremism that leads to terrorism. Community policing with the concept of community empowerment is

considered very important and necessary to maintain security and order, and also to assist the Police in their duties to jointly create an environment and society that is empowered in detecting violent extremism that has the potential to lead to acts of terrorism (Ishmah & Abdurrofiq, 2023).

Pre-emptive efforts of the Binmas Pioneer program through Senkom Mitra Polri / Police Assistance include holding events to provide enlightenment on religious teachings by religious figures/tabligh akbar and re-install an understanding of Pancasila values in the community. The outputs of Binmas Pioneer activities through Community Policing / Village Police / Police Assistance / Senkom Mitra Polri include monitoring the kamtibmas situation, cooperation with institutions or agencies, and community social activities such as disaster management, security, and others (Nurahman & Sukardi, 2021).

It must be admitted that terrorism networks are able to influence society by using a very popular language, so that it is easily accepted by the public. Deradicalization programs need to involve parties or institutions that are familiar with the sociological life of the community, such as religious organizations and educational institutions (Nurahman & Sukardi, 2021). The socio-cultural characteristics of the community that are easily incited by religious teachings, the lack of role models, and the calm and silent movement of terrorist organizations are obstacles in efforts to prevent the threat of terrorism in the form of the spread of radicalism.

Law enforcement in the field is very broad, not only related to actions if there is or is a suspicion that a crime has occurred, but also to maintain the possibility of a crime. The actions taken by law enforcement officials in the problem of crime prevention with preemptive actions are in the development of the Police function which focuses on the implementation of tasks that are sourced from correlative factors in the form of vulnerabilities that have a negative impact on society by observing and finding potential latent causes at the source through efforts that prioritize preventive and deterrence.

The police as part of the law enforcement element plays an important role in tackling terrorism crimes and even the police are positioned as the front line, with all the abilities and professionalism of the National Police. However, in the process of law enforcement of terrorism crimes, repressive measures are still prioritized, along with the current increasing level of terrorism crimes, preventive measures are needed to prevent greater acts of terrorism that threaten the security and comfort of the life of the nation and state (Wirawan et al., 2024). Through the approach to the community by the Police in accordance with social status such as community leaders, religious leaders, traditional leaders, youth groups and other communities based on their origin, lineage and profession, of course the community will feel the attention of the Police to them. The form and pattern of community participation in the Police varies and is highly dependent on the social status of the community.

Bhabinkamtibmas has the main functions, duties and authorities as mandated in Article 26, Article 27 and Article 28 of the Regulation of the Chief of the National Police of the Republic of Indonesia Number 3 of 2015 concerning Community Policing. The implementation of the function of Bhabinkamtibmas in carrying out crime prevention has been carried out in accordance with these provisions. This is in accordance with the expectation that the National Police in order to realize public security and order has the main functions and duties as well as the authority to provide protection, protection and services to the community through partnerships with the community in the village or sub-district, which is carried out by Bhabinkamtibmas. In connection with the regulation of the pre-emptive policy model of Community Policing (Polmas) in the prevention of terrorism crimes, it is not entirely based on the value of justice, especially from the economic aspect. The regulation that regulates Polmas, namely the Regulation of the National Police Chief Number 3 of 2015 concerning Community

Polification, has not regulated operational costs that should be allocated in order to carry out Polmas duties. The operational costs in question include the operational facilities needed by Bhabinkamtibmas in carrying out their functions, the main tasks and authorities are still lacking, namely in the form of Bhabinkamtibmas places/posts/rooms in each village, communication devices (HP), laptops and transportation tools in the form of motorcycles, as well as budgets to support social activities, such as attending invitations to celebrations from community members who are in the assisted areas.

In this case, Community Policing (Polmas) regulations need to pay more attention to the welfare of Bhabinkamtibmas members who are the spearhead in efforts to prevent terrorism at the village/sub-district level, by allocating an adequate budget for operational costs, infrastructure, career paths and reporting systems. Thus, pre-emptive law enforcement through Community Policing can be more optimal and based on the value of justice.

4.2. Obstacles in the Pre-Emptive Law Enforcement Efforts of Community Policing in the Prevention of Terrorism Crimes Based on Justice Values

The relationship between law and public policy is very strong, and as such, there is a growing importance for government policy in comprehending the current role of law. This necessity is becoming more evident due to the expanding involvement of the government in various aspects of human existence, and the growing complexity of economic, social, and political challenges. In addition, legal regulations also play a role in assisting the government in trying to find alternative policies that are good and beneficial to the community (Warasih, 2014). Lawrence M. Friedman highlighted the components within the legal system that impact law enforcement, such as the legal structure, legal substance, and legal culture. Legal structure pertains to the institutions established by the legal system. Legal substance encompasses the legal norms, regulations, and decisions that law enforcers and those under regulation utilize. The concept of legal culture refers to the varying beliefs, attitudes, and perspectives on the law that exist within the legal community and society as a whole. This includes the distinct legal culture within the legal profession, as well as the broader legal culture that is present in society (Warasih, 2014):

1. Legal Substance

The components of legal substance consist of legal norms, including regulations and decisions that serve as the basis for implementing the functions, duties, and authority of Bhabinkamtibmas. In this case, the substantive legal component is the Chief of the Indonesian National Police Regulation No. 3 of 2015 regarding Community Policing, which regulates the functions, duties, and authority of Bhabinkamtibmas. Regarding the substantive component that governs the functions, duties, and authority of Bhabinkamtibmas in the aforementioned Chief of Police Regulation, technically there are still deficiencies in provisions related to Bhabinkamtibmas functions, duties, and authority, as well as the lack of operational costs for Bhabinkamtibmas members. The weaknesses of the pre-emptive policy model regulations in preventing terrorism offenses currently stem from legal substance obstacles, including:

- a. The operational costs for Bhabinkamtibmas members have not been clearly regulated by Regulation of the Chief of Police Number 3 of 2015 regarding Community Policing. However, operational costs are essential to support the performance of Bhabinkamtibmas in the field.
- b. The facilities and infrastructure necessary for Bhabinkamtibmas to carry out their duties have also not been specified in Regulation of the Chief of Police Number 3 of 2015. Facilities such as Bhabinkamtibmas offices in each village, communication tools,

operational vehicles, and others are vital infrastructure that supports the effectiveness of Bhabinkamtibmas duties.

- c. The lack of regulation regarding career development for Bhabinkamtibmas members has not been addressed in Regulation of the Indonesian National Police Chief Number 3 of 2015. Career development is crucial for motivating and recognizing high-performing and dedicated members.
- d. The clear system for reporting Bhabinkamtibmas duties to superiors has not been specified in the same regulation. Regular reporting with standardized formats is essential for monitoring and evaluating Bhabinkamtibmas performance.

The obstacles from a legal substance perspective above need to be overcome by revising and adding to the National Police Regulation Number 3 of 2015 regarding Community Policing. The addition of articles regulating operational costs, infrastructure, career development, and reporting systems for Bhabinkamtibmas will strengthen and optimize the implementation of pre-emptive counter-terrorism tasks by Bhabinkamtibmas. This is also to realize a pre-emptive law enforcement based on justice values for Bhabinkamtibmas members.

2. Legal Framework

The legal framework includes the organizations established by the legal system, like district and administrative courts, that are designed to assist in enforcing the law. This structural component enables the provision of services and the implementation of law in an orderly manner (Warasih, 2014). In the context of preemptive law enforcement for the prevention of terrorist crimes, the intended legal structure is the *Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat* (Bhabinkamtibmas), which are members of the Indonesian National Police assigned to maintain security and order in the community. Bhabinkamtibmas are stationed in villages and neighborhoods as the frontline of community policing. Based on research findings, there are several challenges faced by Bhabinkamtibmas in carrying out their duties and functions related to this legal structure:

a. Geographical Locations that are Difficult to Reach

Some Bhabinkamtibmas assignment areas have geographically challenging locations, such as mountainous regions with scattered homes. This often poses difficulties in conducting visits or interactions with the community. The long travel time and rugged terrain frequently hinder officers from reaching these areas. Additionally, the residents to be visited are often not at home due to work activities. The remote location of their homes also causes communication network issues, which sometimes go offline. This situation was stated by Achmad Mulyono, a member of Bhabinkamtibmas at the South Balikpapan Police Sector, during a research interview.

b. The inadequate facilities and infrastructure for environmental security

The supporting facilities and infrastructure for Bhabinkamtibmas duties are also still constrained in several areas, such as the condition of damaged or inadequate Neighborhood Security Posts (Pos Kamling). This certainly reduces the comfort of patrol officers, especially during nighttime patrols or supervision. In a research interview, Edy Wahyudi, a member of Bhabinkamtibmas at East Balikpapan Police Sector, revealed that repairing the damaged Pos Kamling requires the involvement and assistance of the local village government. The lack of these facilities and infrastructure can hinder the performance of Bhabinkamtibmas in carrying out their Community Policing duties.

The obstacles from a legal structural perspective need to be overcome through various efforts, including the addition of personnel for Bhabinkamtibmas, especially in hard-to-reach areas, the provision of adequate transportation for Bhabinkamtibmas members, improved

coordination and cooperation with relevant village governments for the improvement of *Pos Kamling* (Neighborhood Post) facilities, as well as the procurement of optimal communication tools for areas with weak signals. Efforts to address these structural challenges must be supported by sufficient budget and commitment from all relevant stakeholders. Meeting the needs of facilities and infrastructure for Bhabinkamtibmas should be a priority to ensure effective implementation of pre-emptive counterterrorism tasks. Thus, the enforcement of pre-emptive law based on justice values for the community and for Bhabinkamtibmas members can be realized.

3. Legal Culture

Legal culture is one of the important components in the legal system. Lawrence M. Friedman states that legal culture encompasses attitudes and values related to the law, along with attitudes and values associated with behavior related to the law and its institutions, both positively and negatively (Warasih, 2014). There are two types of legal culture that can be identified: internal legal culture, relating to the legal culture of legal professionals such as lawyers and judges, and external legal culture, which encompasses the legal culture of society as a whole. In the context of preemptive law enforcement in counterterrorism efforts by Bhabinkamtibmas, the focus is on external legal culture, specifically the attitudes and opinions of the community towards Community Policing efforts. Soerjono Soekanto stated that societal factors, specifically the environment in which the law is applied or enforced, also significantly influence the implementation of legal enforcement. The level of legal awareness within society plays a significant role in shaping the enforcement of laws. Effective law enforcement becomes more achievable when the community has a greater understanding of the legal system (Soerjono, 1983). Based on research findings, there are several obstacles related to the legal and cultural aspects of society in supporting preemptive efforts to prevent terrorism carried out by Bhabinkamtibmas, including:

- a. The lack of awareness and concern from the community towards public order and security. Although in general, the community welcomes the presence of Bhabinkamtibmas in their area, there are still some residents who are indifferent and not fully supportive of the Kamtibmas programs that have been initiated. This apathetic attitude and reluctance to actively participate undoubtedly hinder the efforts of community policing, which aims to make citizens partners with the police in maintaining security and order.
- b. The barriers also include a closed and unwilling attitude to interact from some members of the community, both with Bhabinkamtibmas and with neighbors. They tend to avoid or refuse to cooperate in community policing activities. This uncooperative attitude often raises suspicion and has the potential to trigger conflicts (Nurahman & Sukardi, 2021).
- c. Another crucial obstacle is the fear of the community in conveying information related to terrorism. A significant constraint is the fear of the community to share information about suspicious activities or potential terrorism in their surroundings. They worry about threats or becoming targets of violence if the information leaks to suspected terrorists. This condition hinders early detection of terrorism potential (Nurahman & Sukardi, 2021).
- d. Resistance of the community towards new values. Another challenge from a legal and cultural perspective is the resistance from some members of the community towards the new values and perspectives introduced by Bhabinkamtibmas in policing programs. Some citizens still cling to traditional values and find it difficult to accept changes,

especially those related to sensitive issues such as religion and beliefs (Nurahman & Sukardi, 2021).

The cultural challenges mentioned above need to be addressed with strategic steps to shift paradigms and enhance community participation. Intensifying socialization efforts and adopting a humane approach towards citizens, involving local figures such as religious leaders, traditional leaders, and youth, is crucial. Empowering community groups is also important to foster a sense of belonging towards their environment. Building trust through intensive communication and exemplary behavior from Bhabinkamtibmas (community police officers) will raise awareness among the public about the importance of synergy in preventing terrorism. Collaborating with educational institutions as agents of change to instill values of tolerance, nationalism, and anti-violence from an early age is also a fundamental step in eradicating the roots of radicalism. In the end, overcoming cultural barriers in the enforcement of preemptive law requires cooperation from all elements of society. The success of Bhabinkamtibmas cannot be separated from the support of its citizens. Building a participatory and responsive legal culture within the community is an absolute prerequisite for achieving a humane and justice-based community policing in the prevention of terrorism.

Another obstacle in the implementation of the Polmas conception through the Crime Prevention Through Social Development program by Bhabinkamtibmas is that people are afraid to convey information they know related to terrorism crimes. There are people who are closed and do not want to interact with both Bhabinkamtibmas and neighbors. This obstacle is coupled with the lack of Bhabinkamtibmas personnel, the lack of direct socialization to the community, and the culture of the community itself which is difficult to receive positive input (Nurahman & Sukardi, 2021). In addition, Bhabinkamtibmas still lacks resources in several fields, especially human resources, infrastructure facilities such as the number of vehicle units, member mobilization task tools and the lack of room capacity in the Binmas Police Unit. The Polmas program through Crime Prevention Through Social Development by Bhabinkamtibmas in countering terrorism has also not reached its target and has not been persuasively widely provided public awareness of the implementation of Polmas and the prevention of crime (Nurahman & Sukardi, 2021).

5. Conclusion

After considering the results of the study and the conversation that was shared, it is evident that the implementation of pre-emptive law enforcement in preventing terrorist crimes is not fully based on principles of justice, particularly in terms of economic aspects. This is because the regulations of the Community Policing (Polmas) policy, as stipulated in the National Police Chief Regulation Number 3 of 2015, have not yet accommodated allocation of operational costs, infrastructure, career progression, and reporting systems for Bhabinkamtibmas officers who serve as the frontline implementers of Polmas at the village/sub-district level.

The obstacles in the efforts to enforce pre-emptive law for the prevention of terrorism offenses based on justice include: a. The substantive legal obstacles, such as the lack of regulation regarding operational costs, infrastructure, career development, and reporting systems for Bhabinkamtibmas (community police officers) in accordance with Regulation of the Indonesian National Police Chief Number 3 of 2015. b. The structural legal obstacles, namely the difficult accessibility of assigned geographical areas and inadequate neighbourhood watch post facilities. c. Cultural legal obstacles, including the insufficient

awareness and participation of some communities, a closed attitude and fear of sharing information related to terrorism potential, as well as resistance to new values being conveyed.

6. References

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