



## Legal Authority of Indonesian National Police in Handling Rally or Demonstrations

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### Abstract

Demonstrations are a form of expression of opinion, which is the right of every citizen regulated by law. Demonstrations always involve the Police as a law enforcement agency, which participates in controlling and maintaining security. Problems arise in the efforts of the Police in dealing with demonstrations or demonstrations. This study aimed to determine the legality of the Police's authority in handling demonstrations and the police efforts. This study uses a normative juridical research method. The normative juridical research method is carried out through a literature study that examines secondary data. The results of this study are; first, cannot be separated the implementation of rallies from the security of the Police, who have the authority in handling demonstrations, and in terms of handling, the Police are authorized to regulate, maintain the course of rallies and provide supervision to protest participants. Second, how to act in the implementation of the demonstration consists of 3 (three) stages, namely the preemptive stage, the preventive stage, and the repressive stage.

**Keywords:** *Handling, Police, Demonstrations*

### Abstrak

*Unjuk rasa atau demonstrasi adalah bentuk ekspresi berpendapat yang merupakan hak setiap warga negara yang diatur dalam Undang-undang. Unjuk rasa selalu melibatkan kepolisian sebagai lembaga penegak hukum, yang ikut serta dalam melakukan penertiban dan keamanan. Permasalahan muncul dalam upaya kepolisian dalam menangani unjuk rasa atau demonstrasi. Tujuan dari penelitian ini adalah untuk mengetahui legalitas kewenangan kepolisian dalam hal penanganan unjuk rasa dan upaya kepolisian yang dilakukan dalam penanganan unjuk rasa. Penelitian ini menggunakan metode penelitian yuridis normatif. Metode penelitian yuridis normatif dilakukan melalui studi pustaka yang menelaah data sekunder. Hasil dari penelitian ini adalah Pertama, Pelaksanaan unjuk rasa tidak terlepas dari pengamanan pihak kepolisian yang memiliki kewenangan dalam penanganan unjuk rasa dan dalam hal penanganan polisi berwenang untuk mengatur, menjaga jalannya unjuk rasa serta memberikan pengawasan terhadap peserta unjuk rasa. Kedua, cara bertindak dalam pelaksanaan unjuk rasa terdiri dari 3 (tiga) tahap yaitu tahap preemtif, tahap preventif dan tahap represif.*

**Kata Kunci :** *Penanganan, Kepolisian, Unjuk Rasa.*

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## I. Introduction

The Universal Declaration of the United Nations has proclaimed Freedom of expression as one of the fundamental human rights. Freedom of expression has stated in the Constitution of Republic Indonesia, which is regulated in Article 28 F of the 1945 Constitution, which was later used as the basis for enacting Law Number 9 of 1998 concerning Freedom of Opinion in Public. As regulated in Article 9 Paragraph (1) of Law no. 9 of 1998, the implementation of independence or Freedom of expression in public can be carried out through rallies or demonstrations, marches, public meetings, and or free pulpits.<sup>1</sup> Various ways of expressing opinions in public sometimes do not always go well. Realize consistent and sustainable legal protection in guaranteeing Freedom of expression, creating a conducive climate for the development of participation and creativity of every citizen as the embodiment of rights and

<sup>1</sup> Priyantoko Guntur, "Penerapan Diskresi Kepolisian dalam Penanganan Unjuk Rasa," *Jurnal De Lega Lata*, No. 1 (2016) : 109

responsibilities in democratic life, and placing social responsibility in the life of society, nation, and State without neglecting interests, individuals, or groups.<sup>2</sup>

Demonstrations or demonstrations are regulated in Article 1, paragraph 3 of Law Number 9 of 1998 concerning the Freedom to express public opinion. Demonstrations are activities carried out by one or more people to express ideas orally, in writing, etc. They demonstrated in public the principle of balance between rights and obligations, deliberation and consensus, legal certainty and justice, proportionality, and the principle of benefit. Demonstrations are a form of expression of opinion, which is the right of every citizen regulated by law. Demonstrations always involve the Police as a law enforcement agency that participates in policing and security. Based on Article 1 Paragraph (1) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, it is stated that what is meant by the Police are all matters relating to the functions and institutions of the Police by statutory regulations. The duties and authorities of the National Police are regulated in detail in Chapter III. In carrying out the tasks stipulated in Articles 13 and 14, the National Police is given the authority described in Articles 15 and 16 with further provisions in Articles 17, Article 18, and Article 19.

The term authority is often called authority, *gezag*, or jurisdiction, and the term authority is called competence or *bevoegdheid*. Authority (authority/*gezag*) is formalized power over a specific group of people and a specific government area unanimously. The power can come from the legislative or executive power, while the authority is only about a specific field. Thus, authority means a collection of authorities.<sup>3</sup> Juridically, the definition of authority is the ability to carry out a public legal action or the ability to act given by law to carry out legal relations.<sup>4</sup>

The authority of the National Police is enshrined in Law Number 2 of 2002 concerning the Indonesian National Police. The authority of the State Police of the Republic of Indonesia in Article 18 paragraph (1) of Law Number 2 of 2002 is an authority that originates from the principle of the obligation of the general Police (*plichtmatigheids started*), namely the principle that authorizes police officers to act. Act according to their judgment in the context of the general obligation to maintain, maintain order, and ensure public safety.<sup>5</sup>

According to Article 1 point 3 of Law no. 9 of 1998 concerning Freedom to Express Opinions in Public, it is stated that the definition of demonstration is "an activity carried out by one or more persons to express thoughts verbally, in writing and so on in a demonstrative manner in public. While Law no. 2 of 2002 concerning the National Police of the Republic of Indonesia does not mention specific powers in demonstrations but only mentions the powers of the Police in general. In a demonstration that occurs, the Police have the authority to maintain the demonstration so that the demonstration runs smoothly, orderly, and safely for the demonstration. In carrying out this authority, the Police are confronted by citizens as protesters protected by human rights. Therefore, the author is interested in writing an article titled **"LEGALITY OF AUTHORITY OF THE REPUBLIC OF POLICE IN HANDLING RESTS OR DEMONSTRATIONS."**

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<sup>2</sup> Michael O'Flaherty, "Freedom of Expression: Article 19 of the Internasional Covenant on Civil and Political Rights and the Human Rights Committees General Comment," *Journal Human Rights*, No. 34 (2012): 62.

<sup>3</sup> Prajudi Atmosudirdjo, *Hukum Administrasi Negara* (Jakarta: Ghalia Indonesia, 1981), 29.

<sup>4</sup> Yurizal, *Reformulasi Kewenangan Polri dan PPNS dalam Penyidikan Tindak Pidana Lingkungan Hidup* (Malang: Banyumedia Publishing, 2014), 39.

<sup>5</sup> Joko Rudiantoro, "Diskresi Kepolisian dalam Mengatasi Tindakan Anarki di Masyarakat," *Jurnal IUS* 2, No. 6 (2014): 490.

## II. Research Problems

1. What is the legality of the authority of the Indonesian National Police in handling rallies or demonstrations?
2. What are the efforts made by the Police in handling demonstrations based on the applicable laws and regulations?

## III. Research Methods

The research method used in this study is a normative juridical approach. It is carried out through a literature study that examines secondary data in legislation, court decisions, agreements, contracts, other legal documents, research results, study results, and other references.<sup>6</sup> This research is supported by the literature related to the problem under study.<sup>7</sup> Data collection is carried out through library research (Library Research) to obtain data in documents or writings by searching for laws and regulations, documents, scientific literature, research by experts. This study uses the primary source of secondary data or library materials. Secondary data includes primary legal materials, secondary legal materials, and tertiary legal materials. The type of data is secondary data in the form of qualitative data, which is then analyzed by regulations relating to the problem under study.<sup>8</sup> The research was conducted using a literature study, and the data obtained were then analyzed using deductive logic.

## IV. Research Results And Discussion

### 1. The legality of the Authority of Indonesian National Police in Handling Rally or Demonstrations.

Rally or demonstration is a protest movement carried out by a group of people in public; demonstrations are usually carried out to declare the group or opponents to policies implemented by a party or can also be carried out to suppress the group's interests politically.<sup>9</sup> Demonstrations are generally carried out by groups of students who oppose government policies or workers who are dissatisfied with the treatment of their employers. However, other groups usually carry out demonstrations for other purposes. Demonstrations are activities carried out by one or more people to express their thoughts verbally, in writing, and a demonstrative manner in public.

During demonstrations, a peaceful atmosphere can turn unruly, disrupting public security and order. So, in this case, the role of law enforcement is crucial; the role of the Police in law enforcement is regulated in Law Number 2 of 2002 concerning the Indonesian National Police.

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<sup>6</sup> Badriyah Khaleed, *Legislative Drafting Teori dan Praktik Penyusunan Peraturan Perundang-undangan* (Yogyakarta: Medpress Digital, 2014), 41.

<sup>7</sup> Salim HS, *Penerapan Hukum pada Penelitian Tesis dan Desertasi* (Jakarta: PT Rajagrafindo, 2013), 26.

<sup>8</sup> Mathew Miles, Michael Huberman, *Analisis Data Kualitatif, Buku Sumber tentang Metode-metode Baru* (Jakarta: Pt Grafindo Persada, 2009), 102.

<sup>9</sup> M. mursid. PW, *Unjuk Rasa, Tinjauan dari sudut Pandang Edukasi*, quoted from page: <https://mmursyidpw.wordpress.com/2010/03/05/unjuk-rasa-tinjauan-dari-sudut-pandang-edukasi/>  
Accessed on 13 July 2021

Understanding Anarchy: Anarchy is an absorption word from anarchy (English) and anarchy (Dutch/German/French), which also takes language from the Greek Anachos/anarchia. A word formed by "A" (not/without/nil) is inserted with "N" with Anachos/anarchia (command/power). Nachos/anarchia without government. In contrast, anarchists mean people who believe in and adhere to anarchy. Anarchism is an understanding that believes that all forms of the State, its government, and its power are institutions that foster oppression of life; therefore, they must eliminate from its State Government and its apparatus. Anarchism is a Socialist System without a government. It starts among Humans and will maintain its Vitality and Creativity as long as it is a movement of humans.<sup>10</sup> Based on the Permanent Procedure of the National Police Chief Number 1 of 2010 concerning Overcoming Anarchy, decision-making in the field by relying on its considerations will create opportunities for abuse of power, including handling demonstration problems, especially in one provision contained in the Protap includes "against/ insulting by using or without using tools and/or weapons" as a fundamental disturbance of anarchy. Very risky because if the officer takes decisive action in the form of "shooting on the spot" or is driven away by using other/blunt weapons, then the principle of proportionality is used as the basis for the procedure will not be fulfilled. After all, insults to officers cannot be equated. With the form of physical violence in criminal law, here it is seen that there is an imbalance between legal obligations that must carry out with legal interests that should protect.<sup>11</sup>

Law enforcement is the process of making efforts to enforce/legal function norms naturally as a behavioral guide in traffic/legal relations in the life of society and the State. From the subject's point of view, external subjects can carry out law enforcement. It can also be interpreted as law enforcement efforts that involve all legal subjects in every legal relationship. A person who enforces the rules does something or does not do something based on the norms of the applicable law, meaning he is carrying out or enforcing the rule of law. In a narrow sense, in terms of the subject matter, other law enforcement is defined as the efforts of certain law enforcement officials to guarantee and ensure law enforcement. Based on the Procedures and Actions for Implementing Police Authority in Crowd Control, Before the implementation of police authority in controlling crowds or handling demonstrations by Dalmas, the procedures and actions that should be prepared/performed by the Police in tackling demonstrations include the following:

1. Creation of a security plan
2. Preparation of members, which also includes giving directions and division of tasks by the leadership,
3. Conduct security at the crime scene. In Perhaps Number 8 of 2010, it is explained that the security process at the crime scene is divided into three security zones based on the actions of the mass of protesters, namely:
  - a. Green Zone
  - b. Yellow Zone
  - c. Red zone <sup>12</sup>

The National Police carry out police duties throughout Indonesia, namely maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community. Police as law enforcement agents and builders of security and public order. The conception of the duties, functions, and roles of the National Police originates from a foundation that is still relevant but still needs to be oriented toward community development. The National Police, with its existence, carries four strategic roles: 1)

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<sup>10</sup>. M. Ryan Syahbana, "Penerapan Prosedur Tetap Polri dalam Penanggulangan Unjuk Rasa," *Jurnal Ilmu Hukum Legal Opinion* 1, No. 2, (2013): 4.

<sup>11</sup>. Glenn Richard Pandelaki, "Peran Polisi dalam Pengendalian Massa Berdasarkan Undang-undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia," *Jurnal Lex Et Societatis* VI, No. 5, (2018): 161.

Community protection. 2) Law enforcement. 3) Prevention of lawlessness. 4) Community Security and Order.

Article 14 paragraph (1) letter e, Law no. 2 of 2002 concerning the National Police of the Republic of Indonesia, states that "the police are tasked with maintaining order and ensuring public security" if the article is linked to Law no. 9 of 1998 concerning Freedom of Public Opinion. In Article 13 paragraph (3), which states that "in carrying out the expression of opinions in public, the Police are responsible for organizing security to ensure security and public order according to applicable procedures," it can interpret that the Police are authorized to maintain security and order against demonstrations.<sup>13</sup>

As regulated in the provisions of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the National Police is formulated that the main tasks of the Police are law enforcement, protectors, protectors and guides of the community, especially in the context of compliance and obedience to applicable laws. In the provisions of the law, there are two main basic tasks of the Police as contained in the Tribrata and Catur Prasetya Polri, As regulated by Law Number 2 of 2002, in particular Article 13. In Article 13, it is emphasized that the Police are in charge of maintaining public security and order, enforcing the law; and providing protection, protection, and service to the community.

The primary duties and functions of the National Police, apart from being a protector of the community, are also law enforcement. This function is part of the implementation of Article 1 paragraph (5) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, which stipulates that:

"Security and public order are a dynamic condition of society as one of the prerequisites for the realization of the implementation of the national development process by ensuring order and law enforcement.

The law and the establishment of peace contain the ability to foster and develop the potential and strength of the community in preventing, preventing, and overcoming all forms of law violations and other forms of disturbance that can disturb the community. Based on the law (Article 1 paragraph (3) of the 1945 Constitution).

Implementation of the principles of political and legal ethics from the duty of the State to protect all its people is carried out through one of the government's tasks in the field of state police. Confirmed in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia and is stated in Article 2 of Law no. 2 of 2002 concerning the Indonesian National Police. So what the community wants is that the Police can play a more active role as legal figure who is in charge of protecting, nurturing, and serving the community and acting based on applicable law.<sup>14</sup> The functions, objectives, and role of the Police as law enforcement officers include Article 2, Article 3, Article 4, and Article 5 of Law Number 2 of 2002 concerning the Indonesian National Police. The role of the Police in controlling demonstrations according to Article 13 of Law Number 2 of 2002 regulates the duties and authorities of the Indonesian National Police are: maintaining public security and order; enforcing the law; and providing protection, protection, and services to the community.

Can be linked the duties and authorities of the Police in enforcing the law to Articles 16, 17, and 18 paragraphs (1) of Law Number 9 of 1998 concerning the Freedom to Express Opinions in Public. Article 16 states that "Perpetrators or participants in the implementation of the delivery of opinions in public who commit acts that violate the law, may be subject to legal sanctions by the applicable laws and regulations. These are the duties of the Police as law enforcers. Article 18 paragraph (1) states that "Anyone with violence or threats of violence hinders the right of citizens to express opinions in public that has complied with the

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12. Yunita Dwi Aryani, "Pelaksanaan Tugas Kepolisian dalam Penanganan Unjuk Rasa di Wilayah Hukum Polres Kudus," *Hukum dan Kewarganegaraan Fakultas Ilmu Sosial Universitas Negeri Semarang, Jurnal Hukum, No. 3, (2011): 30.*

13. Muhammad Arif, "Tugas dan Fungsi Kepolisian dalam Perannya Sebagai Penegak Hukum Menurut Undang-undang Nomor 2 Tahun 2002 tentang Kepolisian," *Al'Adl Jurnal Hukum 13, No. 1 (2021): 92.*

provisions of the law, shall be punished with imprisonment for a maximum of 1 (one) year, in handling demonstrations carried out by the Police have complied.

Based on Article 2 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the function of the Police is one of the 336 functions of the state government in the fields of maintaining security and public order, law enforcement, protection, shelter, and service to the community. The provisions of Article 4 of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia also emphasize, "The Indonesian National Police aims to realize internal security which includes the maintenance of security and public order, order and law enforcement, the implementation of protection, protection, and services to the public. Community and the establishment of community peace by upholding human rights. The subsequent provision is as emphasized in Article 18 Paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police, which states that for the public interest, the Indonesian National Police officers in carrying out their duties and authorities may act according to their judgment.

Every law enforcer has a position and a role; the position is specified in the social structure, which may be high, moderate, or low. This position is a container that contains certain rights and obligations. These rights and obligations are roles. Various rallies and/or demonstrations were initially conducive to broader development. However, clashes occur with security forces due to factors that influence anarchic actions or are not appropriately handled. They tend to carry out unchecked actions, such as riots that impact arson, taking hostages, and taking hostages. Damage to other public facilities, so the security situation and public order become uncertain. They are anticipating these conditions, of course, the National Police as an apparatus with the main task of maintaining domestic security and order, enforcing the law, and providing protection. The public must anticipate these conditions appropriately by implementing service patterns, prioritizing prevention and security strategies, and anticipating actions. Anarchic demonstrations, so they can be eliminated and not spread. Anarchic demonstrations, so they can be eliminated and not spread.<sup>15</sup>

Based on Article 18, Paragraph (2), it is determined that the implementation of the provisions as referred to in Paragraph (1) can only be carried out in essential circumstances with due observance of the laws and regulations as well as the Professional Code of Ethics of the Indonesian National Police. The provisions of Article 15 Paragraph 2 letter k of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia stipulate that the State Police of the Republic of Indonesia, with other statutory regulations, has further authority. The provisions of Article 16 Paragraph (1) letter l also state that in carrying out duties in criminal justice, the State Police of the Republic of Indonesia is authorized to take other legally responsible actions."<sup>16</sup>

According to the Big Indonesian Dictionary, Authority is the power to make decisions, govern, and delegate responsibility to others. However, in carrying out this task, the Police have the authority possessed by the Police. Actions taken outside the limits of their authority in carrying out their duties are referred to as discretion is given steps to carry out their duties by the mandated roles and functions. Discretion as a decision based on intelligence and noble conscience is wisdom that deserves to be appreciated. Discretion should be put forward, especially when favorable legal rules are still limping in adapting to all the problems.<sup>17</sup>

Police discretion is regulated in Article 18 of Law no. 2 of 2002, which stipulates that the Indonesian National Police officers may act according to their judgment in the public interest in carrying out their duties and authorities. This provision implies that a member of the National Police who carries out his duties during society alone must be able to make decisions

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<sup>14</sup>. Usi Zahara, "Peranan Kepolisian dalam Pengamanan Demonstrasi di Wilayah Hukum Resor Kota Padang," Bagian Hukum Pidana Fakultas hukum Universitas Bung Hatta Padang, *Jurnal Hukum 1*, No.5 (2016).

<sup>15</sup>. Sigit Saputra, "Efektivitas Penggunaan Kekuatan Oleh Kepolisian dalam Menangani Aksi Unjuk Rasa Anarkis di Kota Padang," *Unes Journal of Swara Justicia 3*, No.3 (2019): 335-336.

<sup>16</sup>. Mahmud Mulyadi dan Andi Sujendra, *Diskresi dalam Pemolisian yang Demokrati* (Jakarta: PT. Sofmedia, 2011), 3

based on his judgment in a disturbance to public order and security or when a danger to public order and security arises. Police discretion can also be interpreted as the authority of Police Officers to choose to act or not act legally or illegally in carrying out their duties.

The essential issue that needs attention here is related to the authority of the Police itself, especially in handling demonstrations that occur in various regions in Indonesia. Therefore, it is necessary to research to know further the authority of the Police by Law Number 2 of 2002 concerning the Police of the Republic of Indonesia.

## **2. Efforts Made by the Police in Handling Demonstrations Based on the Prevailing Laws and Regulations**

Apart from being an agent of law enforcement and the Police, he is also a security and public order maintainer. Regarding demonstrations, it is excellent if everyone who does it is aware of and obeys the existing rules of the game. Demonstrations are a liaison between the wishes of the people and the government. Based on Law no. 9 of 1998, Chapter III has regulated the aspirations' rights and obligations in the public environment. Article 6 states:

*"Every citizen expressing his opinion in public has the obligation and responsibility to respect the rights and freedoms of others, respect generally accepted moral rules, obey the law and respect public security and order, and maintain the nation's integrity."<sup>18</sup>*

The framework to avoid various kinds of problems that arise in handling demonstrations is established through various Regulations of the Chief of the Indonesian National Police. Provide services for expressing opinions in public, including the protection of the rights and obligations of citizens in a balanced manner and clear implementation instructions for the apparatus as a guarantee of legal protection and legal certainty in securing the implementation of the delivery of opinions in public.

Article 2 of the Regulation of the Chief of Police Number 7 of 2012 concerning Procedures for Providing Services, Security and Handling of Public Opinion Cases emphasizes that the regulation on handling demonstrations is aimed at: (1) As a guideline in providing services, securing activities, and handling cases in the delivery of opinions. In public; (2) The implementation of opinions in a legal, safe, orderly and smooth manner; and (3) The realization of good coordination between Polri officials who carry out security activities to deliver opinions in public.

The implementation of security in demonstrations aims to provide security protection for demonstration participants, maintain Freedom of expression from the intervention of other parties and maintain security and public order. Demonstrations carried out in violation of laws and regulations, and the Police may:

- a) Make persuasive efforts, so that activities are carried out in an orderly manner and according to the rule of law; give warnings to the masses of participants in the delivery of opinions in public to maintain security and order;
- b) Give a warning to the person in charge that can be punished; can punish these actions according to the provisions of the legislation;
- c) Stopping and disbanding the activities of expressing opinions in public that violate the provisions of the laws and regulations;
- d) Disbanding the mass of participants in the delivery of opinions in public;
- e) Take legal action against perpetrators of anarchist violations;
- f) Conduct searches and confiscate evidence; and
- g) Take other responsible police actions.

As for how to act in the implementation of the demonstration, which consists of 3 stages, namely the preemptive stage, the preventive stage, and the repressive stage, the following is an explanation of each of the stages, among others: (2) The preventive stage

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<sup>17</sup>. M. Ryan Syahbana, "Penerapan Prosedur Tetap Polri dalam Penanggulangan Unjuk Rasa Anarki," *Jurnal Ilmu Hukum Legal Opinion* 1, No. 1 (2013):3

prevents anarchism in demonstrations and keeps the demonstrations running in a safe, conducive, and controlled manner. (3) The repressive stage is the steps taken in securing the demonstration.<sup>19</sup>

Efforts made by the Police in overcoming obstacles to securing demonstrations by referring to the Standard Operating Procedures and Permanent Procedures of the Indonesian National Police Number 1 of 2010 concerning Overcoming anarchy, namely:

1. Pre-emptive efforts are the initial actions taken by the Police in giving appeals and approaching protest groups to demonstrate in an orderly manner. Intended so that the demonstration can run in an orderly manner and things do not happen that are detrimental to the community and then notify the relevant agencies in advance that will be the target of demonstrations and or demonstrations;
2. Preventive efforts are efforts made by the Police to carry out their duties according to fixed procedures. The Police, both individuals, and units in taking action, are not seen as excessive by the community. The Police, taking action, must be observant in looking at the possibilities that can occur in a demonstration to minimize the danger or threat from the impact of the demonstration and or demonstration, so that mass riots do not occur in one way, namely by emptying the road;

Repressive efforts are the last action by the Police when demonstrations and/or demonstrations are out of control and lead to riots. In carrying out repressive actions, the Police must act by the Pratap (fixed procedure). I took this action because the situation was not conducive, and it was no longer possible to prevent it. Hence, the Police needed to take such action to anticipate that the impact of the riots would not spread, as regulated in Police Pratap No. 1 of 2010 concerning Overcoming Anarchy. Concerning pre-emptive action (non-penal), preventive action (non-penal), and repressive action (penal), which aims to take action against a crime that is a disturbance to security and order.

## V. Conclusions

1. A demonstration or demonstration is a protest movement carried out by a group of people in public, in demonstrations often involving the Police as law enforcement officials. The Indonesian National Police (POLRI) is the National Police in Indonesia directly responsible for the President. The National Police carry out police duties throughout Indonesia, namely maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community. The Authority of the Police in handling demonstrations is regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Implementation of the principles of political and legal ethics from the duty of the State to protect all its people is carried out through one of the government's tasks in the field of state police. Confirmed in Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia and stated in Article 2 of Law no. 2 of 2002 concerning the Indonesian National Police. So that what the community wants is that the Police can play a more active role as a legal figure who is tasked with protecting, nurturing, and serving the community and acting according to applicable law.
2. The National Police of the Republic of Indonesia always acts based on legal norms and respects religious norms, decency, morality, and upholds human rights". The implementation of handling in the implementation of demonstrations aims to provide security protection for demonstration participants, maintain Freedom of expression from the intervention of other parties and maintain security and public order regarding

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<sup>18.</sup> Cahyo Suprobo, Muhammad Hatta, Eko Nurharyanto, "Wewenang dan Tugas Kepolisian dalam Penanganan Unjuk Rasa di Wilayah Hukum Polresta Yogyakarta," *Jurnal Kajian Hasil Penelitian Hukum* 2, No. 1 (2018): 6-9



how to act in the implementation of demonstrations, which consists of three stages: the preventive stage and the repressive stage. The following explains each of the stages: (1) The preemptive stage, namely the initiative to precede mass action persuasive and communicative so that potential conflicts do not develop. (2) The preventive stage prevents anarchism in demonstrations and keeps the demonstrations running in a safe, conducive, and controlled manner. (3) The repressive stage is the steps taken in securing the demonstration.

## VI. Suggestions

1. There needs to be socialization regarding the procedures for rallies, the regulations that apply to the community, and procedures for dealing with demonstrations against members of the Police.
2. They are carrying out persuasive efforts so that activities are carried out in an orderly and by the rule of law, and preventive measures are efforts made by the Police in carrying out their duties by fixed procedures.

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