

The Role of The Mobile Brigade Unit in Community Protection Related to Eviction of Illegal Houses in The Kepri Regional Police

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Abstract. *Procurement in the body of goods and services of the Indonesian National Police is currently carried out electronically since the enactment of Law Number 11 of 2008 concerning Electronic Information and Transactions has been given broad legal space. E-procurement as an information system is a synergy between data, data processing machines (which usually include computers, application programs, and networks) and humans to produce information. Procurement of goods/services electronically is basically aimed at: This study uses a normative legal approach method, with analytical descriptive research specifications. Secondary data comes from primary legal materials, secondary law, and tertiary law, as well as legal expert sources. Data collection through a mixed method between field data and literature. Data processing is carried out qualitatively, then conclusions are drawn using the inductive method. Research problems are analyzed using the Theory of Legal Protection, Theory of Legal Systems and Theory of Legal Certainty. The results of this study indicate that: the effectiveness of the law on procurement of goods and services in the National Police in terms of the effectiveness of its legislation by referring to the organizational perspective on government procurement of goods and services and the role of supervisory institutions on government procurement of goods and services. The data collection method was carried out by literature study with legal materials, namely laws and regulations. The analysis used was qualitative analysis seen from an empirical perspective which was used to analyze data obtained from the literature study. The results of the study are that the law governing the procurement of goods and services has not provided sufficiently strict sanctions so that violations still occur, but with the existence of e-procurement, the procurement of goods and services has become more transparent.*

Keywords: *Effectiveness; Goods and Services; Procurement; .*

1. Introduction

As humans who cannot live alone, of course, interactions between individuals and groups have differences in educational, economic, and racial backgrounds that often cause social conflict. Therefore, a social rule/norm is needed to regulate so that individuals or groups do

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not feel special compared to others. Although rules/norms have been present in society, (such as rules of politeness, morality and religion), legal rules are still needed to regulate all interests, both those that have been regulated or not, considering that the rules/norms that apply in society have sanctions that are not binding and there are other interests that are more complex and not regulated in the rules/norms that apply. Official institutions with citizens as users of the law. There are several pillars of law enforcement, namely Judges, Prosecutors, Police and Advocates from several pillars must work together to move towards the path of justice in exploring the law for the benefit of all parties. In the 1945 Constitution, Article 33 paragraph 3 states: "The land, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people."³ Indonesia's sovereignty is based on the 1945 Constitution of the Republic of Indonesia, which clearly mandates that the Indonesian state is based on the essence of law (*rechtsstaat*), without being guided by mere power (*machtsstaat*). Therefore, the Republic of Indonesia is a democratic legal state based on Pancasila and the 1945 Constitution of the Republic of Indonesia, by always upholding human rights and being able to guarantee all citizens equal before the law and government, and are required to uphold the law and government without exception. The state guarantees it, so every individual must submit to and obey the constitution that guarantees this right, including government officials. The role of the Brimob Unit in carrying out legal protection for the community in controlling illegal houses in Batam City, precisely in Bukit Timur, Tanjunguma, is one of the important foundations for implementing the supervision of the role assigned to the Brimob Unit. This can be seen from the provisions of Article 4 of Law Number 2 of 2002 concerning the Indonesian National Police which reads "The Indonesian National Police aims to realize domestic security which includes maintaining public security and order, order and upholding the law, the implementation of protection, protection, and service to the community, and the establishment of public order by upholding human rights"

Like the case of the raid on a drug den in a wild house as a commitment of the Riau Islands Police in eradicating drug trafficking, the Riau Islands Police's Drug Investigation Directorate together with the Bareleng Police, supported by the Batam City Integrated Team, carried out the demolition of a number of Wild Houses (Ruli) in the Kampung Madani area, Simpang Dam, Muka Kuning Village, Sei Beduk District, Batam City.

By referring to the existing laws, the Police through the 1945 Constitution of the Republic of Indonesia Brimob Unit has identified tasks that can secure and escort demonstration activities. With this identification of tasks, it can be expected that even though demonstrations occur, economic and government activities can continue to carry out their duties properly.⁶ Brimob (Mobile Brigade) is one of the most integral parts of the Police Family which has 5 basic Brimob capabilities, namely Jibom (Bomb Disposal), Resmob (Mobile Investigation), Counter-Terrorism (Wanteror) SAR (Search and Rescue) and Riot Management (PHH). Brimob in carrying out its duties has a great responsibility in carrying out its main duties, namely law enforcement, maintaining public security and order, and protecting, serving and serving the community. The implementation of the main task must be implemented in any situation, especially when it occurs, will occur or after an incident. Illegal settlements are a product of failed policies, poor governance, corruption, convoluted regulations, dysfunctional land markets, an unclear financial system, and weak political will.

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Where policy is a series of actions that have a specific purpose that are followed and implemented by an actor or group of actors in order to solve a particular problem. In Indonesia, the practice of law enforcement attention and legal protection for victims, legally contained in Law No. 13 of 2006. Legal protection for victims is not a foreign thing because there are regulations that govern it. However, the protection of victims in question is more directed at victims of criminal crimes. From the explanation and background above, I raised the title of my Thesis Proposal, namely The Role Of The Mobile Brigade Unit In Community Protection Related To Eviction Of Illian Houses In The Polda Kepri.

2. Research Methods

In this study, the author uses the type of Juridical Sociological research, Juridical Sociological is a legal research that uses primary or field data as its main data, which is then continued with secondary data as a continuation or complement, Examining the effectiveness of a Law and Research that wants to find a relationship (correlation) between various symptoms or variables as a data collection tool consisting of observation (observation), and interviews (interview).¹

3. Results and Discussion

3.1. The Role of Mobile Brigade Units in Community Protection in Illegal House Evictions

1. Overview of the Riau Islands Police

Riau Islands Province One of the Provinces of the Republic of Indonesia, Batam City is part of the Riau Islands Province in maintaining and security, the Riau Islands Regional Police was formed, the formation of a new Regional Police covering the Riau Islands region. Based on the Decree of the Chief of Police with Number: SKEP / 09 / III / 2005. On March 3, 2005, the Riau Islands Regional Police was formed with preparatory status, which was previously part of the Riau Islands Regional Police. At the beginning of its formation there were six regional work units, namely:

1. Bareleng Police Station;
2. Tanjungpinang Police Department;
3. Tanjung Balai Karimun Police Station;
4. Natuna Police;
5. Lingga Police Station;
6. Bintan Police.
7. Anambas Islands Police

The Riau Islands Regional Police have the authority to act as protectors and security and serve the community in the Riau Islands Province in terms of protection and law

¹Amirudin. Introduction to Legal Research Methods, Jakarta: Raja Grafindo Persada, 2012, p. 9

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enforcement. The Riau Islands Regional Police (Polda Kepri) is led by a high-ranking Polri officer who is directly responsible to the Chief of Police in carrying out his duties and responsibilities. In the process of researching this case, the author conducted research at the Ditintelkam Polda Kepri, which at that time the Riau Islands Regional Police was led by Inspector General Pol Drs. Tabana Bangun, MS.i. the authority of the police or its responsibilities are to maintain security, order, provide protection to the entire community as law enforcement officers and serve the Riau Islands community, one of which is Batam City, Riau Islands is divided into seven regencies and cities, including:

1. Bintan Regency;
2. Karimun Regency;
3. Anambas Islands Regency;
4. Lingga Regency;
5. Natuna Regency;
6. Batam City;
7. City of Tanjung Pinang.

The police carry out their duties by carrying out several activities for the community such as conducting routine patrols, socializing compliance with traffic regulations and good driving, carrying out counseling related to security and order, Stop Drugs, etc. Providing police services to the entire community. Each region has law enforcement officers who function as law enforcers, community protection, and services to the community, which are the duties of the Riau Islands Regional Police.²

One component of the law enforcement apparatus that carries out efforts to combat terrorism crimes is the Police. The duties of the Indonesian National Police as a state apparatus are to carry out regulation, guarding, escorting, and patrolling of community and government activities as needed; organizing all activities to ensure security, order, and smooth traffic on the road and fostering the community to increase community participation, community legal awareness and community obedience to laws and regulations, as well as maintaining order and ensuring public security (Article 14 of Law Number 2 of 2002 concerning the Police).

The authority of the police in carrying out these police duties is to take action according to responsible law and be carried out with the following conditions: not in conflict with a legal rule; in line with legal obligations that require such action to be taken; must be appropriate, reasonable, and within the scope of his/her position; appropriate consideration based on compelling circumstances and respect for Human Rights (Article 16 of Law Number 2 of 2002 concerning the Police).³

²Intelligence Unit, Riau Islands Regional Police

³Article 16 of Law Number 2 of 2002 concerning the Police

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One of the Police Corps that has a role in overcoming the crime of illegal house control is the Mobile Brigade Corps (Brimob). According to Article 2 of the Decree of the Chief of Police (Skep Kapolri) No. Pol. KEP/53/X/2002 concerning Brimob, it is stated that the Brimob Corps is tasked with maintaining security, especially those related to handling high-intensity threats, in its efforts to support domestic security. Anarchy is a form of violation of the law that endangers security and disrupts public order so that appropriate and firm action must be taken while still prioritizing the principles of Human Rights (HAM) and in accordance with applicable laws and regulations.

Improving the professionalism of Brimob personnel is part of improving the performance of the Indonesian Police Mobile Brigade Corps in dealing with and overcoming high-intensity public security disturbances and other tasks within the scope of the main duties of the Indonesian National Police which have been stated in Presidential Regulation Number 5 of 2017 concerning the Organizational Structure and Work Procedures of the Indonesian National Police on January 19, 2017 as an amendment to Presidential Regulation Number 52 of 2010.⁴

The development of the security situation lately, both in the political, economic and social fields that are always moving quickly and dynamically, is a challenge for the Police in carrying out the task of maintaining security and order in the country. Especially those related to the police's duties in handling high-intensity crimes such as terrorism, crimes using explosives and armed groups. The Police as the guardian of Kamtibmas are required to appear at the forefront in anticipating and overcoming all security disturbances. In relation to this, based on Presidential Regulation of the Republic of Indonesia Number 5 of 2017 in order to increase the existence and active role of the Police in supporting security and public order, improvements are needed by restructuring the organization within the Police, including the nomenclature of the position of the Head of the Mobile Brigade Corps (Kakorbrimob) being confirmed as the Commander of the Brimob Corps (Dankorbrimob)

In the Indonesian Police Mobile Brigade Corps as the ultimate unit of the Indonesian Police that specifically handles high-intensity crimes, the changes in nomenclature and titles contained in Presidential Decree Number 5 of 2017 are regulated in Article 22, with 1 paragraph added to become paragraph 5, so that the complete contents of Article 22 are as follows:

1. The Mobile Brigade Corps, abbreviated as Korbrimob, is an element that carries out the main tasks in the Mobile Brigade field which is under the Chief of Police.
2. The Mobile Brigade Corps as referred to in paragraph (1) has the task of developing and deploying forces to overcome high-intensity disturbances to public security and order as well as other tasks within the scope of the main duties of the Police in the context of maintaining domestic security.
3. Korbrimob is led by the Korbrimob Commander, abbreviated as Dankorbrimob, who is responsible to the Chief of Police.

⁴Presidential Regulation Number 5 of 2017 Concerning the Organizational Structure and Work Procedures of the Republic of Indonesia National Police

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4. The Commander of the Mobile Brigade Corps is assisted by the Deputy Commander of the Mobile Brigade Corps, abbreviated as Wadankorbrimob.

5. Korbrimob consists of a maximum of 2 (two) troops.

On January 3, 2023, the researcher conducted an interview with Mr. Aiptu Beni Hidayat, who has served for 22 years, as the Operational Commander of Unit A Pelopor Satbrimob Polda Kepri, Position Plh Pasi Ops Brimob Battalion A Pelopor Satbrimob Polda Kepri, specifically the operational section for all personnel activities in this section, Plh Pasi Ops Brimob who handles⁵

The role of Satbrimob Polda Kepri is very often involved in the Integrated Team, both in eviction of illegal houses and land evictions and recently carried out an order in the Bengkong area of Batam City. If there is a riot in every order of illegal houses, the priority is a humanist way without violence by negotiating by prioritizing the interests of the community to get the best way. ⁶The role of Brimob within the Police is also as follows:

- a) Role to assist other police functions,
- b) The role is to complement regional police operations carried out in conjunction with other police functions,
- c) Role to Protect other members of the Police unit as well as civilians who are under threat,
- d) The role of strengthening other police functions in carrying out regional operational tasks,
- e) Serves to replace and handle regional police duties when the situation or target is leading to high-level crimes.

3.2. Obstacles in Relation to Providing Legal Protection to the Community in the Eviction of Illegal Houses

Legal positivism as a whole, legislation is essentially something that contains complete law so that the judge's next task is to apply the provisions of the law mechanically in solving problems in society, in accordance with what has been determined in the law. However, the legal positivism paradigm places judges as prisoners of the law, not giving the court the opportunity to become an institution that can encourage the development of society related to the role of the police in public order and security as a whole. Legal positivism is an extension of the Cartesian Newtonian paradigm.⁷*Cartesian Newtonian* has brought the most fundamental influence on scientific positivism which then influences legal positivism is the dualism and reductionist view. With this dualism view, law is separated from justice because

⁵Interview results January 3, 2023

⁶Interview results January 3, 2023

⁷Anton F. Susanto, 2010, *Deconstruction of Law: Exploration of Texts and Reading Models*, Yogyakarta, Genta Publishing, p. 29.

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it focuses too much on matters related to definition, concept and description, and concentrates on the form and content of law.⁸

According to Hans Kelsen, law must be free from all elements that are foreign to the special method of a science whose purpose is only legal knowledge, not its formation. The field of study of legal science is positive law or real law which is different from ideal law called justice or natural law. Thus, it is only a container and is not related to the contents of the law which can change at a certain time.⁹ Meanwhile, the reductionist view has influenced legal positivism in reducing legal reality which consists of the reality of ideas (rational capacity), material reality (actual) and artificial reality into a single entity.

If associated with the theory of Hans Kelsen, namely the pure theory of law, then the law must be cleaned of non-juridical elements, the law must ignore other approaches to law. Law is always positive law and legal positivism lies in the fact that law is made and abolished by human actions, so it is independent of the elements of morality and the normative systems themselves.¹⁰ In the view of legal positivism, the legal system of a country applies not because it has a basis in social life, but because it gets its positive form from an authorized institution and the law is only known as formal law, so it must be separated from its material form, this is because it will damage the scientific truth of the law itself.¹¹ According to HLA Hart as quoted by Satjipto Rahardjo, the basic principles of legal positivism are:¹²

1. Laws are only the orders of the ruler;
2. There is no absolute relationship between law, morals and ethics;
3. Analysis of legal conceptions is distinguished from historical and sociological investigations;
4. The legal system must be a logical, permanent and closed system which is obtained on the basis of logic without considering social, political or moral aspects.

Prof. Dr. Satjipto Rahardjo, SH, who initiated progressive law has the same basic thinking about law, that law aims to realize justice and truth through moral values. Satjipto Raharjo and Karl N. Llewellyn have similarities in criticizing court judges who use the positivistic paradigm.

Progressive legal theory teaches that law enforcers can adjust written rules to the situation and conditions in society, which if necessary judges can change the law and even create new provisions. According to Satjipto "This legal theory cannot be separated from the

⁸Ibid, p. 149

⁹Hans Kelsen, 1995, Pure Legal Theory: The Basics of Normative Legal Science as Descriptive Empirical Legal Science, Rimdi Press, p. 4

¹⁰Ibid, p. 115.

¹¹Satjipto Rahardjo, 2009, Law and Behavior: Good Living is the Basis for Good Law, Jakarta, Kompas Gramedia, p. 162

¹²Ibid, p. 162

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environment of its time, we often see it as an answer given to legal problems or challenging a dominant legal thought at a time".

A. Progressive Law is essentially aimed at encouraging legal workers to be braver in making breakthroughs in implementing law in Indonesia. In addition, the formation of this progressive legal idea is also intended so that the legal world is not only shackled by positivistic and legal analytical thinking.¹³

Role is a dynamic aspect in the form of actions or behaviors carried out by a person who occupies or holds a position and carries out rights and obligations in accordance with his position. In this case, the role carried out is a normative and factual role. The normative role is carried out by the Sat Intelkam Polda Kepri in overcoming the threat of challenges, obstacles, and disturbances to Kamtibmas based on laws and regulations, especially the Law on the Indonesian National Police.

The role of the Intelkam Polda Kepri in overcoming the threat of challenges, obstacles, disturbances to Kamtibmas is carried out in order to maintain public security and order in order to achieve national goals which are marked by guaranteed security, order, and the upholding of the law, as well as preventing, preventing, and overcoming all forms of violations of the law and other forms of disturbances that can disturb the community. Meanwhile, the factual role is carried out by the Intelkam Polda Kepri in overcoming the threat of challenges, obstacles, disturbances to Kamtibmas based on the existence of facts of threats in the lives of the community.

The threat of challenges and obstacles to disturbances in society that have occurred in Indonesia are classified as serious crimes and/or extraordinary crimes against humanity, state security, and state sovereignty as well as against various aspects of community, national and state life so that overcoming the threat of challenges and obstacles to public order disturbances needs to be carried out continuously, in a targeted and integrated manner, which includes aspects of prevention and eradication in order to maintain a safe, peaceful and prosperous life based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

With the series of events involving Indonesian citizens joining certain radical organizations that have been designated as organizations or groups that threaten the state, or other organizations that intend to carry out evil conspiracies that lead to threats of challenges and obstacles to public order disturbances, both domestically and abroad, have caused fear in society and have an impact on political life, economy, socio-culture, security and public order, and international relations. Certain radical organizations that lead to threats of challenges and obstacles to public order disturbances such as acts of terrorism are transnational, organized crimes, and have a wide network that have clearly given rise to massive acts of terrorism which if not immediately addressed will threaten peace and security, both nationally and internationally. Examples of acts of terrorism are regulated in Law Number 15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law

¹³Rifai, Achmad. (2020). Achieving Justice with Progressive Law. Edited by Nur Amin Saleh. Makasar: CV. Nas Media Pustaka. p. 1

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Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into Law (Terrorism Law).

The duties of the Indonesian National Police, especially the Mobile Brigade Corps as a state apparatus, are to carry out regulation, guarding, escorting, and patrolling of community and government activities as needed; organizing all activities to ensure security, order, and smooth traffic on the road and fostering the community to increase community participation, community legal awareness and community obedience to laws and regulations, as well as maintaining order and ensuring public security.¹⁴

The authority of the police in carrying out these police duties is to take action according to responsible law and carried out with the following conditions: not contrary to a rule of law; in line with legal obligations that require such action to be taken; must be appropriate, reasonable, and within the scope of his/her position; proper consideration based on compelling circumstances and respect for Human Rights (Article 16 of Law Number 2 of 2002 concerning the Police). The changes and uniformity caused by the global situation have provided new values and order of life in Indonesian society, namely human rights, transparency, democracy, the environment and economic, social and cultural patterns. The behavior and demands of society develop with various dimensions of transparent groups.¹⁵

While the government with all its attributes and devices is not ready to face all these demands. This creates a gap in the life and dynamics of society, including the emergence of public distrust of the government and the occurrence of various divisions in society. With such complex problems, accompanied by the increasingly rapid development of science and technology, especially in the fields of communication and transportation, it is increasingly difficult for Police Intelligence to carry out its role in providing early warning and early detection. In today's global nuance, conventional Intelligence activities can no longer be fully carried out, investigative activities, security and mobilization of the community and supervision of its activities, both open and closed, will face various obstacles, including:¹⁶

In accordance with the regulations of Law Number 2 of 2012 concerning land acquisition for public interest with 10 principles, namely humanity, justice, benefit, certainty, openness, agreement, participation, welfare, sustainability, and harmony, and Land Acquisition for Public Interest has the aim of providing land for the implementation of development in order to improve the welfare and prosperity of the nation, state, and society while still guaranteeing the legal interests of the entitled parties.¹⁷

Every human being, wherever they are, needs a place to live called a house. The house functions as a place to relax, a place to socialize and foster a sense of kinship among family members, as well as a place to take shelter and store valuables. In addition, the house is also a symbol of social status. The house is one of our basic daily needs and to take shelter when it is hot and rainy, as our shelter. The house can also cause several risks of disease including the dangers of radiation and air pollution if it is not clean every day. In order for

¹⁴Article 14 of Law Number 2 of 2002 concerning the Police

¹⁵Y. Wahyu saronto. Op. Cit. p. 224

¹⁶Ibid. p. 225.

¹⁷Law Number 2 of 2012 Concerning Land Acquisition for Public Interest

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the occupants of the house to avoid these diseases, good environmental health conditions are needed.

One of the efforts to prevent human rights violations in the implementation of Brimob duties is to provide knowledge about human rights. One way that can be taken is by conducting education and training. The implementation of education and training cannot be separated from the role of instructors or educators in delivering the material. Therefore, skilled and trained instructors are the initial milestone for the success of delivering a material.

Role is something that arises from duties and functions. The role of Brimob Polri is together with other Police functions to take action against perpetrators of high-level crimes, especially mass riots, organized crimes involving firearms, bombs, chemicals, biology and radioactive in order to realize legal order and public peace throughout the jurisdiction of the Republic of Indonesia. The obstacles to Brimob's duties in relation to the control of illegal houses in Batam City are in the form of residents who are affected by the control of illegal houses and blocking the place where the control will be carried out.¹⁸

The solutions carried out by the Polda Kepri Intelkam Unit in identifying threats of challenges to obstacles to Kamtibmas disturbances are as follows: Coordinating with Related Agencies; The obstacles that occur in identifying threats of challenges to obstacles to Kamtibmas disturbances are the lack of good coordination with related parties such as Immigration, basically Intelkam is more limited by existing laws to carry out its main tasks, so Intelkam tries to supervise 5-star hotels under the jurisdiction of the Polda Kepri once every 2 weeks to collect data provided by the hotel, apartments occupied by foreigners by coordinating with the apartment management to see the data that has been registered to see their travel documents, and to collect data at the airport by coordinating with Immigration to request data so that existing data can be compared with data that has been registered at the Polda Kepri.

4. Conclusion

Based on the description and explanation that has been mentioned, it is clear the role of the Mobile Brigade unit in protecting the community in evictions of illegal houses and the obstacles in relation to providing legal protection for the community in evictions of illegal houses, therefore the descriptions and presentation of data from the results of the discussion can be concluded as follows: 1. The role of Satbrimob Polda Kepri is very often involved in the Integrated Team, both in eviction of illegal houses and land evictions and recently carried out an order in the Bengkong area of Batam City. If there is a riot in every order of illegal houses, the priority is a humanist way without violence by negotiating by prioritizing the interests of the community to get the best way. 2. The obstacles to Brimob's task in relation to the control of illegal houses in Batam City are in the form of residents who are affected by the control of illegal houses not accepting it and carrying out blockades at the places where the control will be carried out.

¹⁸Interview results January 3, 2023

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