

Legal Analysis of Law Enforcement in Handling Anarchist Demonstrations in Cirebon City

Reggy Permana Sukatendel¹⁾ & Jawade Hafidz²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Reggypermanasukatendel.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Jawadehafidz@unissula.ac.id

Abstract. *Demonstration or protest is a right to express opinions that is guaranteed in the democratic country of Indonesia, however, in conducting demonstrations or protests must use procedures that uphold morality and good ethics. Anarchic demonstrations not only deviate from the meaning of democracy but can also cause problems for the affected community. This study aims to analyze and describe the implementation mechanism of handling anarchist demonstrations in Cirebon City at this time. To analyze and describe the obstacles and solutions in efforts to realize legal balance in handling anarchist demonstrations in Cirebon City. The type of legal research used is non-doctrinal. Based on the research results it is known that. The problems that hinder the optimization of handling anarchist demonstrations consist of the lack of regulation of the categorization of anarchist actions in demonstrations as a type of criminal act. In law enforcement, the problem is the lack of police personnel and infrastructure in handling anarchist demonstrations which are often in large groups. The public view is that anarchist actions in demonstrations are included in the category of the right to express opinions. A solution to overcome the problems that hinder the optimization of handling anarchist demonstrations is to make regulations in the Criminal Code specifically related to anarchist demonstrations as a crime. The police need to increase the number of personnel and infrastructure related to the task of handling anarchist demonstrations. There needs to be education for the public that anarchist actions do not reflect a civilized and democratic attitude, but are actions that are contrary to democratization in the implementation of demonstrations.*

Keywords: *Analysis; Anarchist; Demo; Law.*

1. Introduction

A democratic country is reflected in the protection of freedom of assembly, expression, and open discussion. In a democratic society, nation, and state, freedom to express thoughts and opinions according to conscience and the right to obtain information are very basic human rights, which are needed to uphold justice and truth, advance public welfare, and educate the nation's life. Freedom of expression requires guarantees of protection of the right to obtain

information which is a human right and openness to public information, which is one of the important characteristics of a democratic country that upholds the sovereignty of the people to realize good state administration.¹ The various series of relationships between the rights to express opinions and express themselves are explicitly stated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "Everyone has the right to freedom of association, assembly, and expression of opinion." This article is one of the guarantees of democracy in Indonesia that regulates human rights (HAM). This right includes the right to express thoughts freely and responsibly, in accordance with applicable laws and regulations. Article 28E paragraph (3) of the 1945 Constitution is based on the principles of equality and universality. Its purpose is to create a state order that upholds human rights values.² The right to express opinions and express oneself is then also guaranteed in Law Number 39 of 1999 concerning Human Rights, in the Considering Section letter (b) of Law Number 39 of 1999 concerning

Human Rights it states that:

Human rights are basic rights that are inherently inherent in humans, are universal and eternal, therefore they must be protected, respected, maintained, and must not be ignored, reduced, or taken away by anyone.

Considering section letter (d) states that Law Number 39 of 1999 concerning Human Rights states that:

The Indonesian nation as a member of the United Nations has a moral and legal responsibility to uphold and implement the Universal Declaration of Human Rights established by the United Nations, as well as various other international instruments concerning human rights that have been accepted by the Republic of Indonesia.

Article 75 letter (a) of Law Number 39 of 1999 concerning Human Rights states that:

Komnas HAM aims to develop conditions conducive to the implementation of human rights in accordance with Pancasila, the 1945 Constitution and the Charter of the United Nations and the Universal Declaration of Human Rights.

The various provisions above show that the right to freedom of expression and opinion is a human right that is so valuable in its position as one of the pillars of the realization of democratization in Indonesia. One way to realize the right to express an opinion is realized through several demonstrations by several levels of society to fight for their basic rights to life.³ The position of demonstrations as a form of expression of society in conveying opinions in this democratic country of Indonesia in reality often ends in anarchic actions that violate the basic principles of the idea of democracy. Throughout the last decade, Indonesia has faced an increasingly worrying phenomenon of anarchic demonstrations. Based on data from the Indonesian National Police, there has been a significant increase in cases of demonstrations that ended in anarchy from year to year. In 2019, there were 232 cases of anarchic demonstrations, an increase of 40% compared to the previous year. Anarchic demonstrations not only occurred in big cities such as Jakarta, Surabaya, and Medan, but also spread to

¹Charles Tilly (2007), *Democracy*, New York : Cambridge University Press, p. 8.

²Eko Riyadi (2018), *Hukum Hak Asasi Manusia*, Depok : PT Raja Grafindo Persada, p. 6.

³Latipah Nasution, "Hak Kebebasan Berpendapat dan Berekspresi Dalam Ruang Publik di Era Digital", *Adalah*, Vol. 4, No. 3, 2020, p. 38-40.

various regions. The causes vary, ranging from political issues, government policies, to industrial disputes. What is concerning is that anarchic demonstrations often involve student groups who should be agents of constructive social change. Actions such as burning tires, throwing stones, and closing highways have caused material and immaterial losses to the community.⁴

This anarchic demonstration can also be seen in Cirebon City, one of the cases that shows the existence of an aracist demonstration in Cirebon City is the demonstration case carried out by students who are members of the Indonesian Islamic Student Movement (PMII) Cirebon. The students who held a demonstration in front of the Cirebon City DPRD office demanded clarity on the alleged sexual harassment case involving one of the council members, with the initials MJ. The demonstration was carried out anarchically, namely by burning tires on the road and forcibly breaking into the Cirebon City DPRD Building. This anarchic student demonstration took place on December 24, 2024, triggered by an act of sexual harassment carried out by a member of the Cirebon City DPRD against one of the Cigarette SPGs in Cirebon City.⁵

2. Research Methods

The approach method used in this qualitative legal research is the sociological legal approach method, namely an approach by seeking information through direct interviews with informants empirically first and then continuing by conducting secondary data research found in literature studies through theoretical steps.⁶

3. Results and Discussion

3.1. Current Mechanism for Handling Anarchist Demonstrations in Cirebon City

3.1.1. History of Demonstrations in Indonesia

Since independence, there has been a need for alliances between student groups, including the Indonesian Student Association (PPMI), which was formed through the first Student Congress in Malang in 1947. Furthermore, during the Liberal Democracy era (1950-1959), along with the implementation of a pluralistic party system at that time, most extra-campus student organizations were organizations under political parties. For example, PMKRI, the Indonesian Catholic Student Association with the Catholic Party, the Indonesian National Student Movement (GMNI) was close to the PNI, the Student Movement Concentration (CGMI) was close to the PKI, the Indonesian Socialist Student Movement (Gemsos) with the PSI, the Indonesian Islamic Student Movement (PMII) was affiliated with the NU Party, the Islamic Student Association (HMI) with Masyumi, and others.⁷

⁴Edward Dzaky Widyananda and Elza Qorina Pangestika, "Penegakan Hukum Dalam Penanganan Demo Anarkis Perspektif Ham", *Jurnal Review Pendidikan dan Pengajaran*, Volume 7 Nomor 4, 2024, p. 16993.

⁵Interview with AKP Eko Anggi Prasetyo, S.Tr.K., S.IK. Head of Intelligence Unit of Cirebon City Police, December 28, 2024.

⁶Sugiyono (2015), *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Bandung : ALFABETA, p. 335.

⁷Miftahuddin (2004), *Radikalisasi Pemuda PRD melawan Tirani*, Jakarta : Desantara, p. 80-110.

Among the student organizations at that time, CGMI was more prominent after the PKI emerged as one of the strong parties resulting from the 1955 Election. CGMI boldly implemented a confrontational policy with other student organizations, even going so far as to try to influence PPMI, this reality caused a fierce feud between CGMI and HMI and, especially triggered by the many management positions in PPMI that were seized and occupied by CGMI and also GMNI - especially after the 5th Congress in 1961.⁸

Students formed the Indonesian Student Action Unity (KAMI) on October 25, 1966, which was the result of an agreement between several organizations that were successfully brought together by the Minister of Higher Education and Science (PTIP) Major General dr. Syarief Thayeb, namely PMKRI, HMI, PMII, Indonesian Christian Student Movement (GMKI), Joint Secretariat of Local Organizations (SOMAL), Pancasila Students (Mapancas), and the Student Press Association (IPMI). The purpose of its establishment was primarily so that student activists in launching resistance against the PKI would be more coordinated and have leadership. The emergence of KAMI was followed by various other actions, such as the Indonesian Student Action Unity (KAPI), the Indonesian Student Youth Action Unity (KAPPI), the Indonesian Scholar Action Unity (KASI), and others. In 1965 and 1966, Indonesian youth and students were heavily involved in the struggle that helped establish the New Order. This movement was known as the '66 Generation, which was the beginning of the rise of the national student movement, while previously student movements were still regional in nature. The student figures at that time were those who were later in the circle of power of the New Order, including Cosmas Batubara (Former Chairman of the Central KAMI Presidium), Sofyan Wanandi, Yusuf Wanandi all three from PMKRI, Akbar Tanjung from HMI and others. The '66 Generation raised the issue of Communism as a latent danger to the country. This movement succeeded in building public trust to support students in opposing Communism which was led by the PKI (Indonesian Communist Party). After the Old Order ended, the '66 Generation activists also received rewards, namely by many sitting in the DPR/MPR seats and being appointed to the New Order government cabinet. At this time there was one very idealistic figure, who until now has become a role model for idealistic students after his time, he was an activist who did not care whether he was hated or approached as long as his idealistic views were poured out for this nation, he was Soe Hok Gie.⁹

The different realities faced between the 1966 and 1974 student movements, were that if the 1966 generation had a close relationship with military power, for the 1974 generation what was experienced was confrontation with the military. Before the 1974 student movement exploded, even before entering the early 1970s, students had actually launched various criticisms and corrections to the New Order regime's power practices, such as:¹⁰

1. Golput opposed the implementation of the first election during the New Order era in 1972 because Golkar was considered to be cheating.
2. The movement against the construction of Taman Mini Indonesia Indah in 1972 which displaced many of the common people living in the area.

⁸*Loc, cit.*

⁹The 1945 Constitution of the Republic of Indonesia

¹⁰*Loc, cit.*

Starting with a reaction to the increase in fuel prices, the other most prominent protest action voiced by students was the demand to eradicate corruption. Thus was born what was then called the "Students Sue" movement, driven by Arif Budiman, whose main program was an action to condemn the increase in fuel prices and corruption. Following other actions on a wider scale, in 1970 youth and students then took the initiative to form the Anti-Corruption Committee (KAK) chaired by Wilopo. The formation of this KAK can be seen as a reaction to student disappointment with special teams sponsored by the government, starting from the Corruption Eradication Team (TPK), the UI Task Force to Commission Four. Various development ulcers and demoralization of the behavior of the New Order regime continued to emerge. Approaching the 1971 Election, the New Order government had carried out various methods in the form of political engineering, to maintain and establish the status quo by co-opting the political forces of society, including through legislation. For example, through laws governing elections, political parties, and the MPR/DPR/DPRD. There were various statements of distrust from the public and students towards the nine political parties and Golongan Karya as the bearers of the people's aspirations. As a form of protest due to disappointment, they pushed for the emergence of the Golongan Putih (Golput) Declaration on May 28, 1971, driven by Arif Budiman, Adnan Buyung Nasution, Asmara Nababan.¹¹

Approaching and especially in the moments before and after the 1977 Election, massive student unrest re-emerged. Various issues of political deviation were raised as issues, for example the election starting from the implementation of the campaign, to the stabbing of symbols, the pattern of recruitment of legislative members, the election of governors and regents in the regions, the strategy and nature of development, to other small themes of a local nature. This movement also criticized the national development and leadership strategy. Initially, the government tried to approach students, so on July 24, 1977, a Government Dialogue Team was formed to campaign at various universities. However, the team's efforts were rejected by students. During this period, military occupation of campuses occurred because students were considered to have committed political rebellion, another cause was because the 1978 student movement concentrated more on carrying out actions on campus. Because the student movement was not provoked to leave campus to avoid the events of 1974, they were finally attacked by the military in a brutal manner. This was then followed by the abolition of the Student Council and the implementation of the NKK/BKK policy throughout Indonesia. Soeharto was elected for the third time and the students' demands did not produce results. However, the struggle of the 1978 student movement has laid a historical foundation, namely the growth of students' courage to express an open attitude to sue and even reject the national leadership.¹²

The 1977/1978 student movement was not only centered in Jakarta and Bandung but also spread nationally to campuses in the cities of Surabaya, Medan, Bogor, Ujungpandang (now Makassar), and Palembang. On October 28, 1977, eight thousand young people gathered in front of the ITB campus. They vowed with one voice, "Down with Suharto!" The next day, all

¹¹Law Number 39 of 1999 concerning Human Rights

¹²Adams, Cindy, dalam Dwi Siswoyo, (2013), *Pandangan Bung Karno Tentang Pancasila Dan Pendidikan, Cakrawala Pendidikan, Jurnal Ilmiah Pendidikan*, Universitas Negeri Yogyakarta, Yogyakarta

those who shouted disappeared, swallowed by iron bars. The campus immediately declared a state of war emergency. However, it was peaceful again in an instant. On November 10, 1977, Surabaya was filled with three thousand young people. After the incident at ITB in October 1977, it was the turn of the ITS Baliwerti Campus to take action. With the spirit of heroes, various student leaders from all over Java attended to commemorate Heroes' Day 1977. A thousand students gathered, then walked from Baliwerti to the Heroes' Monument. Since the meeting on October 28 in Bandung, ITS was appointed as the center of concentration of the movement on the eastern front. Heroes' Day was considered suitable to awaken lost consciences. Then it was agreed that the national meeting center for student leaders would be in Surabaya. Meanwhile, in other cities, the commemoration of Heroes' Day was also lively. In Jakarta, 6,000 students walked five kilometers from Rawamangun (IKIP campus) to Salemba (UI campus), unfurling a banner, "To You, Our Heroes, We Complain". Also under tight military guard. The event that day was colored with poetry and the beat of orations. The atmosphere of sadness and sadness began to make people feel restless. Several combat battalions had been placed around the Surabaya campuses. Along the road was closed, students were not allowed to approach the people.¹³

3.1.2. Factors Causing Anarchist Demonstrations in Indonesia

Mass action in the form of demonstrations or mass demonstrations is a recognized and protected political means of society as an effort to convey aspirations to the government. However, mass action must be carried out in an orderly and peaceful manner in accordance with applicable legal regulations so as not to disrupt public interests. However, in reality, there are many demonstrations that take place anarchically by ignoring various established regulations, causing harm to others or causing damage to public facilities. Demonstrators often express their opinions by burning objects around the Loc or place of the demonstration, they also often commit violence against state property, causing relatively large damage. There were even some demonstrators who resisted the police officers who secured the demonstration by throwing objects or pushing each other with the officers. The demonstration can certainly be categorized as an anarchic action, which can end in injuries or even fatalities, both for demonstrators, police officers and victims in the surrounding community who were not at all related to the demonstration. According to Police Commissioner Joni Surya As Head of Intelligence and Security of Cirebon Police, the factors that resulted in the anarchic demonstration were:

a. Mass Disappointment Over Demands

Mass disappointment is a factor causing anarchic demonstrations. The disappointment can be caused by the demands of the protesters not being responded to properly by the authorized officials, the officials responsible for the demands of the masses are not willing to meet with representatives of the mass action, or because the demands of the masses are rejected by the authorized officials during the dialogue.

b. Lack of Anticipation by Security Forces

¹³Kelsen, Hans, (2007), *General Theory of Law and State*, Russel & Russel, New York 1935, p. 35., dalam Maria Farida Indrati S., *Ilmu Perundang-Undangan: Jenis, Fungsi, dan Materi Muatan*, Buku 1, Yogyakarta : Kanisius

Police officers who do not anticipate the various possibilities that can occur in demonstrations can cause anarchic actions. Police officers should make thorough security preparations so that everything needed in implementing security is truly available, so that protesters become more careful if they have the urge to act anarchically.

c. Repressive Actions by Security Forces

The anarchic actions of the protesters could have started from the actions of the authorities who committed violence when certain people in the crowd committed provocative actions against the police, such as making fun of the police. Police officers whose emotions are easily provoked will respond to the crowd with violence, such as hitting or arresting, and then the crowd will respond with violence as well. In this condition, the crowd will be increasingly difficult to control and end in anarchic actions.

d. The presence of provocateurs

Provocateurs play an important role in creating mass riots. Provocateurs are not part or members of the protesters, but are people who are deliberately infiltrated to change peaceful demonstrations into anarchists. Provocateurs usually incite the masses by spreading fake news that can trigger mass emotions. The goal is to fulfill the political interests of certain groups, such as creating mass opinion that the government is incapable of handling security issues.

e. Use of Alcohol and Illegal Drugs

The use of alcohol and drugs can arouse someone's courage to create a riot or provoke others with provocation to commit violence. Actually, the use of alcohol and drugs during a demonstration is strictly prohibited, but it is not possible for the police to conduct individual checks. This is certainly the responsibility of the protest leaders to control their members.

f. The Desires of Certain People in the Masses

To Be Called a Hero There are many people in mass actions who want to be called heroes by trying to get attention to be called the person who has the biggest role in realizing the substance of the demands of the demonstration being fought for. These people tend to act provocatively and can be the initial cause of mass riots.

g. Involvement of People Who Do Not Understand the Rules of Demonstration Implementation

It is likely that many of the protesters do not understand the rules of the demonstration, especially regarding prohibitions or things that should not be done during the demonstration, so that their actions can trigger anarchy. In this case, the person in charge of the demonstration should play a role or be responsible for providing direction regarding the rules of the demonstration, so that actions that can provoke riots can be avoided.

h. Involvement of People Who Just Follow the Crowd and Do Not Understand the Demands of the Demonstration

The role of people who just join in the demonstration just because they are invited actually becomes people who are very easily influenced, even though they actually have no interest in the contents of the demands in the demonstration. People who are easily influenced certainly have the potential to turn the demonstration into anarchy.

i. Involvement of Minors

Involving minors in demonstrations has the potential to cause mass riots, because basically, psychologically, a minor is still very unstable, which means that emotionally it is very easy to be provoked into carrying out anarchic actions.

j. There are people carrying sharp weapons

Sharp weapons will make the person holding it more courageous in acting because they feel they have protective equipment. In addition, if the sharp weapon is seen in a crowd, it can cause fear, so that the crowd becomes unstable or can even cause the crowd to be in disarray.

k. Lack of Anticipation from the Person in Charge of the Demonstration

In some anarchist cases, it is possible that the person in charge of the demonstration does not know all the rules that must be met in carrying out the demonstration, so that the person in charge only gathers the masses without being accompanied by direction. As a result, the person in charge of the demonstration becomes more difficult to control the movement of the masses.

l. Weak Security

Weak security of demonstrations can occur because too few officers are deployed, or because the facilities and infrastructure used are inadequate. Demonstration security should be able to limit mass movement by using barrier devices, so that the potential for riots becomes smaller.

3.1.3. Current Mechanism for Handling Anarchist Demonstrations in Cirebon city

Mass action in the form of demonstrations or mass demonstrations is a recognized and protected political means of society as an effort to convey aspirations to the government. However, such mass action must be carried out in an orderly and peaceful manner in accordance with applicable legal regulations so as not to disrupt public interests. However, in reality, there are many demonstrations that take place anarchically by ignoring various established regulations, resulting in losses for others or damage to public facilities. The mechanism for handling anarchic demonstrations at the Cirebon Police according to Police Commissioner Joni Suryais with:

a. Requiring Permits for Demonstrations

Prevention of anarchism in demonstrations has been carried out since the licensing process, where the person in charge must clearly convey the intent and purpose of implementing the demonstration.

b. Demonstration Security

Prevention of anarchic actions is carried out by giving an appeal to demonstration participants at the demonstration Loc to comply with various demonstration rules, respect the rights of residents in the surrounding area, and express opinions peacefully by avoiding violence against property and people.

c. Law enforcement

If the crowd is out of control, meaning that it has started to carry out anarchic actions, then the security forces will be forced to take action to disperse the crowd by force, namely by breaking up the crowd or driving the crowd away from the demonstration Loc.

The existence of the police cannot be separated from the life of the community. The Police are tasked with maintaining public order and security (Kamtibnas) and enforcing the law. In an effort to maintain Kantibmas, the Police are tasked with providing services, protection and care for the community. Along with the increasingly rapid population growth followed by the rapid progress and development of science and technology, the Police are required to be able

to orientate themselves towards something more advanced, in this case becoming a more modern police that prioritizes ability and expertise rather than muscle alone. Especially in terms of serving the demonstration process, the Police must be required to act humanely rather than arrogantly, therefore the rules of the game that have been determined by the regulations and procedures for acting must always be understood and observed by members of the Police in the field while on duty. In every demonstration that takes place anarchically, what needs to be the main concern for the police is public order to be maintained, the safety of officials and residents is maintained and vital objects that are the targets of the protesters' anger are not damaged. These things need to be considered and become the main targets for the implementation of services and security during the demonstration.¹⁴

In terms of handling mass actions, the police already have technical guidelines, namely the Regulation of the Chief of Police Number 16 of 2006 concerning Guidelines for Mass Control and Regulation of the Chief of Police Number 8 of 2010 concerning Procedures for Crossing and How to Act in Handling Riots. In optimizing police performance in handling demonstrations, the Chief of Police General Bambang Hendarso Danuri in his final term of office ratified the Standard Operating Procedure Number: Protap/1/X/2010 concerning Handling Anarchy which was issued on October 8, 2010 which was used as a guideline by the police in handling mass actions that ended in chaos. The issuance of the Standard Operating Procedure Number: Protap/1/X/2010 concerning Handling Anarchy drew criticism from the public because in its provisions the police have the authority to take repressive action and even shoot on sight for anarchic masses. The Standard Operating Procedure contains stages of officer actions when facing real threats and disturbances. At the threat stage, officers gradually carry out identification, appeals, and physical action against the perpetrators. Phase 6 then consists of handling with bare hands, using blunt weapons or chemical weapons, such as tear gas, and the final stage is the use of firearms. In the Standard Operating Procedure Number: Protap/1/X/2010 concerning Handling Anarchy, the use of firearms is regulated in point d on page 12 which reads, "if the perpetrator does not heed the warning shots, targeted shots are fired at non-lethal targets". This final stage is controversial because the standard operating procedure does not explain what bullets are used to paralyze the anarchic action, whether live bullets or rubber bullets. The standard operating procedure also does not explain the standards of actions that can be classified as anarchic actions, the assessment of an action can be said to be anarchic only according to the assessment of the police personnel on duty. It should be understood that police personnel who handle anarchic demonstrations are also humans who have limits to their patience, it is not uncommon for demonstrators to often carry out anarchic actions and deviant actions to provoke the emotions of law enforcement officers and to disrupt public order. This makes it not uncommon for police personnel to take forced arrests of provocateurs who take advantage of the demonstration period. This action is often interpreted as an act of violence against the demonstration in the field. So that it provokes the social class to discredit the police. On the other hand, it can be understood that the forms and procedures for expressing opinions in public are regulated in Article 9 of Law Number 9 of 1998 concerning Freedom of Expression in Public. Article 9 paragraph (3) explains that: "Perpetrators or participants in expressing opinions in public as referred to in

¹⁴Pranowo, M. Bambang, (2010), *Multi Dimensi Ketahanan Nasional*, Jakarta : Pustaka Alvabet

paragraph (1) are prohibited from bringing objects that can endanger public safety." Freedom of expression in public in the Indonesian constitution, the 1945 Constitution after the second amendment, has been regulated in Article 28E paragraph (3) which states: "Everyone has the right to freedom of association, assembly, and expression of opinion." What is meant by everyone has the right to freedom of expression of opinion can be in the form of expressions or statements in public or in writing or can also be in the form of a demonstration or demonstration. Demonstrations or demonstrations in everyday reality often cause problems in terms of implementation, although they have been guaranteed in our constitution, the procedures and implementation of demonstrations often hurt the spirit of democracy itself. So it can be seen that the meaning of freedom of expression as a form of democratization is often misused by the perpetrators of anarchic demonstrations. Where the perpetrators feel that their actions are a form of constitutional mandate that needs to be recognized and protected as human rights, so that if action is taken, the perpetrators of anarchic demonstrations will judge the police officers as committing human rights violations.¹⁵ One of the cases that showed the existence of racist demonstrations in Cirebon City was the demonstration carried out by students who were members of the Indonesian Islamic Student Movement (PMII) Cirebon. The students who held a demonstration in front of the Cirebon City DPRD office demanded clarity on the alleged sexual harassment case involving one of the council members, with the initials MJ. The demonstration was carried out anarchically, namely by burning tires on the road and forcibly breaking into the Cirebon City DPRD Building. This anarchic student demonstration took place on December 24, 2024, triggered by an act of sexual harassment carried out by a member of the Cirebon City DPRD against one of the Cigarette SPGs in Cirebon City.¹⁶

3.2. Obstacles and Solutions in Efforts to Realize Legal Balance in Handling Anarchist Demonstrations in Cirebon city

3.2.1. Obstacles in Efforts to Realize Legal Balance in Handling Anarchist Demonstrations in Cirebon city

a. Legal Obstacles

As stated in Protap Number 01 of 2010, what is meant by anarchy is an action carried out intentionally or openly by a person or group of people that is contrary to legal norms that result in chaos, endanger public security, threaten the safety of lives and/or property, damage public facilities or the property rights of others. However, it should be underlined that the implementation of this protap is not merely the main guideline because every member of the Indonesian National Police must also pay attention to the Regulation of the Chief of Police Number 01 of 2009 concerning the Use of Force in Police Duties and the Regulation of the Chief of Police Number 8 of 2009 concerning the Implementation of Principles and Standards of Human Rights in the implementation of the duties of the Indonesian National Police. To implement the Protap, members of the Indonesian National Police must still be provided with training on how to handle anarchic and sporadic actions so that in its implementation it will

¹⁵Soekanto, Soerjono, & Sri Mamudji, (1994), "*Penelitian Hukum Normatif Suatu Tinjauan Singkat*", Jakarta : Raja Grafindo Persada.

¹⁶Interview with AKP Eko Anggi Prasetyo, S.Tr.K., S.IK. Head of Intelligence Unit of Cirebon City Police, December 28, 2024.

not be misused by the members of the Indonesian National Police themselves to oppose the community. The Chief of Police Regulation is based on several things, including UN Resolution 34/169 dated December 7, 1969 on the Code of Conduct for Law Enforcement Officials and the 1980 UN Protocol on the Basic Principles of the Use of Violence and Firearms by Law Enforcement Officials. This is the basis so that the Police are not blamed for their actions and are assessed by the international community as correct. As regulated in Perkap Number 01 of 2010, Police officers in dealing with anarchic actions must be guided by four principles, namely:

- 1) The Principle of Legality of Police Members in carrying out actions must be in accordance with applicable procedures and laws.
- 2) The principle of necessity for members of the Indonesian National Police who carry out actions must be based on the need to enforce the law.
- 3) Principle of Proportionality Members of the Indonesian National Police who carry out the task of dealing with anarchy must always maintain a balance between the actions taken and the threats faced in enforcing the law.
- 4) The Principle of Accountability of Polri Members who carry out the task of overcoming anarchy are always responsible in accordance with applicable legal provisions. With this principle, Polri members are expected to be able to protect the community from repressive actions while protecting Polri members themselves. In addition, this principle can provide limitations on the use of Polri force in dealing with anarchic and sporadic actions.

Law Number 8 of 1998 concerning Freedom of Expression of Opinions in Public, specifically Article 1 paragraph (2) states that:

A demonstration or protest is an activity carried out by one or more people to express their thoughts."

From this understanding in the law above, demonstration also means 'demonstration'. Demonstration is a protest movement carried out by a group of people in public. Demonstrations are usually carried out to express the group's opinion or to oppose policies implemented by a party.

The right of citizens to express their opinions in public is indeed protected by the constitution, namely in Article 28E of the 1945 Constitution. Further regarding the implementation mechanism for expressing opinions in public is regulated in Law No. 9 of 1998 concerning Freedom of Expression in Public ("Law 9/1998"). In its implementation, expressing opinions in public (demonstrations) can cause chaos and security is required. For this reason, the government has given a mandate to the Police in Article 13 paragraph (3) of Law 9/1998, namely that in the implementation of expressing opinions in public, the Police are responsible for organizing security to guarantee public security and order in accordance with applicable procedures. Regarding the implementation of demonstrations as a manifestation of expressing opinions in public, the Regulation of the Chief of the Republic of Indonesia National Police No. 9 of 2008 concerning Procedures for Organizing, Serving, Securing and Handling Cases of Expressing Opinions in Public ("Perkapolri 9/2008") as a guideline for the

Master of Law, UNISSULA

implementation of expressing opinions in public and guidelines for providing service standards, securing activities and handling cases (in expressing opinions in public, so that the process of freedom of expression of opinion can run well and orderly (Article 2 Perkapolri 9/2008). In the implementation of expressing opinions in public by citizens (demonstrations), government apparatus (in this case the Police) are obliged and responsible for (Article 13 Perkapolri 9/2008):

- 1) protect human rights;
- 2) respect the principle of legality;
- 3) respect the principle of the presumption of innocence; and
- 4) organize security.

Handling of cases involving the expression of opinions in public must always pay attention to the actions of officers who can differentiate between anarchists and other participants in the expression of opinions in public who are not involved in breaking the law (Article 23 paragraph [1] of the Chief of Police Regulation 9/2008); where:

- 1) Participants who obey the law must still be given legal protection;
- 2) Firm and proportional action must be taken against perpetrators of law violations;
- 3) Firm action will be taken against anarchists and efforts will be made to arrest the perpetrators and stop the anarchic actions in question.

Given the conditions on the ground during a demonstration, sometimes coercive measures are needed. However, it is stipulated in Article 24 of the Chief of Police Regulation 9/2008 that in implementing coercive measures, counterproductive actions must be avoided, for example: First, demonstrations must not violate the human rights of others. Second, they must not violate generally recognized moral rules. Third, they must not violate applicable regulations and laws. Fourth, they must not disrupt public order. Fifth, they must not damage unity.

- 1) spontaneous and emotional actions by officers, for example chasing the perpetrator, throwing things back at the perpetrator, arresting them roughly by abusing or hitting them;
- 2) break out of the unit/formation and carry out individual mass pursuits;
- 3) not obeying and complying with the orders of the head of the field unit who is responsible according to his/her level;
- 4) actions of officials that exceed their authority;
- 5) actions of officers who commit violence, abuse, harassment, violate human rights; f. carry out other acts that violate laws and regulations.

The police are given the authority to disperse demonstrations. This authority is stated in Law No. 9 of 1998 concerning Freedom of Expression in Public. Article 15 states that the police have the right or can disperse demonstrations if the demonstrators do not fulfill the elements contained in Articles 5 and 6 of Law No. 9 of 1998 concerning Freedom of Expression in Public. There are several things that must be considered in connection with the implementation of demonstrations, namely: First, demonstrations must not violate the human rights of others. Second, they must not violate generally recognized moral rules. Third, they must not violate applicable regulations and laws. Fourth, they must not disturb public order. Fifth, they must

not damage unity and integrity. Law No. 9 of 1998 and the Law on Ratification of the International Convention on Civil and Political Rights explain that the essence of expressing opinions in public is freedom of expression of citizenship but it does not apply absolutely but applies in a limited manner. This means that the law is limited. If, for example, the community holds a demonstration, five conditions must be met. If, some points are not met, the police must be able to make a right decision or better known as discretion. Based on their own assessment by looking at the situation. Among other things, they have the right or can disband the demonstration. Members may have alternative choices rather than the demonstration becoming anarchic or actually harming the protesters. It is not wrong to minimize the occurrence of that. If for example they provide resistance, they will be subject to the Criminal Code. In carrying out their duties and authorities, the Police are guided by four things, namely: The Police must be based on regulations and obey the law, meaning that the principle of legality must be clear. Then, pay attention to social norms that apply in society, namely religious norms, moral norms, moral ethics and so on. Furthermore, uphold the principle of humanity. Finally, prioritize preventive measures. In addition, there are other regulations related to securing this demonstration, namely the Regulation of the Chief of Police No. 16 of 2006 concerning Guidelines for Mass Control ("Protap Dalmas"). The rules commonly called Protap (Standard Procedure) do not recognize any special conditions that can be used as a basis for police to take repressive action. In any condition, the Protap actually emphasizes that members of the Dalmas unit are prohibited from being arrogant and being provoked by the behavior of the masses. The Protap also clearly prohibits members of the Dalmas unit from carrying out violent actions that are not in accordance with the procedure. Even detailed things, such as saying dirty words, sexual harassment, or cursing protesters are prohibited. In addition to the prohibitions, the Protap also contains obligations. The one placed at the top is the obligation to respect the human rights of every protester. Not only that, The Dalmas unit is also required to serve and secure protesters according to the provisions, protect lives and property, maintain and defend the situation until the demonstration is over, and obey their superiors. So, in principle, officers tasked with securing the demonstration do not have the authority to beat demonstrators. In facing a situation where there is no sense of security, the National Police as a state apparatus plays a role in maintaining public security and order, enforcing the law and providing protection, shelter and service to the community in order to maintain domestic security.

The existence of the police cannot be separated from the life of the community. The Police are tasked with maintaining public order and security (Kamtibnas) and enforcing the law. In an effort to maintain Kantibmas, the Police are tasked with serving, protecting and providing care for the community. Along with the increasingly rapid growth in population followed by the rapid progress and development of science and technology, the Police are required to be able to orientate themselves towards something more advanced, in this case becoming a more modern police that prioritizes ability and expertise rather than muscle alone. Especially in terms of serving the demonstration process, the Cirebon Brimob Unit must be required to act humanely rather than arrogantly, therefore the rules of the game that have been determined by the regulations and procedures for acting must always be understood and observed by members of the Cirebon Brimob Unit in the field while on duty. According to Kompol Joni Surya Nugraha as Head of Intelkam Polres Cirebon, public opinion:

Expressing aspirations through demonstrations is one form of community effort that wants their living needs to be considered or fought for by the government, this kind of thing is a natural thing in a democratic country, but the procedures in its implementation must always obey and comply with applicable laws and regulations, but in reality we still find many demonstrations that do not pay attention to existing rules, in a position like this the Police are required to take preventive measures and even take firm action if necessary in order to provide protection to other citizens, vital objects and state officials who will be the targets of the anarchic protesters' rampage.

Police Commissioner Joni Surya Nugraha added that the perpetrators of anarchist demonstrations can also be subject to criminal penalties for their actions. Criminal liability for perpetrators of anarchist demonstrations can refer to the provisions of Article 16 of Law Number 9 of 1998 which explains that perpetrators or participants in the implementation of public opinion delivery who commit acts that violate the law can be given legal sanctions in accordance with the provisions of applicable laws and regulations. The emergence of criminal liability in anarchist demonstrations is due to an error which is a criminal act committed by a person, and there are already provisions that classify the criminal act in question. Because error is a factor in criminal acts, so the principle of error cannot be separated.

Fulfilled a criminal act, then it can be said that criminal responsibility is also fulfilled. The explanation of the theory of criminal law punishment, the theory of causality is carried out with the intention and purpose of being able to provide an understanding of who is intended for criminal responsibility. This means that the theory of causality is also called the theory of cause and effect previously related to the principle of legality. One of the articles that can be held accountable for the perpetrators of anarchist demonstrations is Article 170 paragraph (1) of the Criminal Code which provides regulations regarding criminal acts for anyone who openly and with joint force uses violence against people or goods, is threatened with a maximum imprisonment of five years and six months. Still close to the provisions of Article 170 of the Criminal Code, the perpetrators of anarchist demonstrations can be held accountable for their actions based on Articles 406 and 407 of the Criminal Code, with the provision that "Anyone who intentionally and unlawfully destroys, damages, makes unusable or removes something that is wholly or partly owned by another person, is threatened with a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah". The provisions of Articles 406 and 407 of the Criminal Code are provisions regarding the crime of destroying goods, in contrast to the provisions of Article 170 of the Criminal Code which also regulates the crime of destroying goods, however the act of destroying goods must be carried out by two or more people and carried out in public with violence.

Meanwhile, the provisions of Articles 406 and 407 of the Criminal Code do not imply that the act of destroying property is carried out by two or more people and is carried out in public with violence. If anarchic actions are directed at security forces who are securing a demonstration and cause casualties among security forces, then the perpetrators can be held criminally responsible based on Articles 212 and 214 of the Criminal Code concerning criminal

acts against authorized officials who are carrying out legitimate duties. Other provisions that regulate anarchic demonstrations, namely Article 23 letter e of the Chief of Police Regulation Number 7/2012 concerning Procedures for Organizing Services, Security, and Handling Cases of Expressing Opinions in Public further states that the activity of expressing opinions in public is declared a form of violation if it takes place in anarchy, accompanied by criminal acts or crimes against public order, crimes that endanger public security for people or goods, and crimes against public authorities. Based on the provisions of Article 23, it can be seen that criminal responsibility in anarchic demonstrations can be imposed on the perpetrators when anarchic demonstrations occur and the actions that can be criminally accounted for by the perpetrators are in the form of criminal acts against public order, crimes that endanger public security for people or goods, and crimes against public authorities. Criminal responsibility for anarchist perpetrators in demonstrations is not only directed at the main perpetrators, namely the person who does it, but also those who do it, who order it to be done or participate in doing the act will receive the same punishment. Such criminal responsibility is based on the provisions of Article 55 paragraph (1) of the Criminal Code which is an accompanying article. This means that people who participate in committing the same crime in an anarchic demonstration can be punished with the same punishment. The provisions of Article 55 of the Criminal Code are provisions of articles in Book I of the Criminal Code as general provisions that can be applied to all criminal acts as determined in Book II of the Criminal Code. Article 55 paragraph (1) of the Criminal Code in full reads that the perpetrator of the crime is punished:¹⁷

- a. Those who do it, who order it to do it, and who participate in doing it;
- b. Those who by giving or promising something by abusing power or dignity, by violence, threats or deception, or by providing opportunities, means or information, intentionally encourage others to commit acts. Criminal liability in the form of involvement in committing a crime in anarchist demonstrations is very possible considering that criminal acts in anarchist demonstrations always involve many people or more than one perpetrator.

Police Commissioner Joni Surya Nugraha then explained that even though there are criminal regulations that can be imposed on perpetrators of anarchist demonstrations, it is very difficult to impose them considering that there are no legal regulations related to demonstrations that regulate the limits of actions that fall into the category of anarchist actions in demonstrations.¹⁸ This legal vacuum is the core of the legal obstacles that exist in realizing efforts to prosecute perpetrators of anarchist demonstrations.

b. Obstacles in Law Enforcement

In its efforts to prevent and control anarchism, the police are faced with various obstacles, both obstacles originating from within the police and external obstacles. The various obstacles faced by the police in dealing with anarchist demonstrations are:¹⁹

1) Difficult to Estimate Mass Amount

¹⁷Interview with Police Commissioner Joni Surya as Head of Intelligence Unit of Cirebon Police, May 12, 2025.

¹⁸Jakob Tobing, "Kebebasan Berserikat Sebagai Hak Asasi", *Civis*, Vol. 3, No. 1, 2011

¹⁹Muhammad Irfan Pratama, Abdul Rahman, dan Fahri Bachmid, "Kebebasan Berpendapat dan Berekspresi di Media Sosial dalam Perspektif Hak Asasi Manusia", *Qawanin*, Vol. 3, No. 1, 2022

The police as a basis for estimating the mass is often inaccurate so that the police have difficulty making accurate estimates of the number of demonstrators. The number of masses involved should be able to be done accurately. If there is an increase in protesters that exceeds that reported by the person in charge, then they should take the initiative to limit it by refusing to add to the mass, so that it does not exceed the number reported. Thus, the police can provide an adequate level of security according to the estimated number of protesters.

2) Social Media Makes It Very Easy to Spread Hoaxes

If there are people who have the intention of creating chaos, it will be easier to implement with the existence of information technology. Those who want to create chaos by exploiting the masses can easily spread fake news on social media that the demonstrators experienced rough treatment so that they can quickly provoke the emotions of the masses to act anarchically. Efforts made to overcome the obstacles to the spread of fake news on social media are by giving direction to the masses to be more careful about every news circulating on social media, so that they are not easily provoked. In addition, those responsible for the demonstration also need to play an active role in correcting any news that has the potential to create chaos among the masses of demonstrators.

3) Mass Number Too Many

The potential for anarchism due to the large number of people can only be overcome by reducing the number of people by the organizers of the demonstration. Organizers of the demonstration need to realize that the demands of the masses are likely to fail to be met if the demonstration ends in anarchy. On the other hand, with the presence of anarchists, those responsible for the demonstration also have the potential to face legal problems.

4) Psychological Factors of Explosive Masses

The demand factor that is the substance of the demonstration plays a very important role in controlling mass emotions. If there is information that the demands can be met, then the mass emotions will remain under control, but if the demands are not met, the demonstration will continue with emotional actions. Psychologically, the masses can always be in a strong and explosive condition, because they are in large numbers and generally they know each other and support each other. The psychological condition will peak if the orator tries to arouse the masses with provocative language. In this case, even a slightly tense situation can cause mass riots, even though it is not clear who started the riot.

5) Lack of Police Personnel

The number of police officers is not comparable to the amount of police work, so the police often reduce demonstration security activities, because other work is also very urgent to be carried out. Police officers do not have extra manpower that can be assigned at any time with working hours that exceed normal. Officers have physical and mental limitations so they cannot be deployed in a marathon to various places in succession without adequate rest time.

a. Cultural Barriers to Community Law

It should be understood that police personnel who handle anarchic demonstrations are also human beings who have limits to their patience, it is not uncommon for demonstrators to often carry out anarchic and deviant actions to provoke the emotions of law enforcement

officers and to disrupt public order. This often causes police personnel to forcibly arrest provocateurs who take advantage of the demonstration. This action is often interpreted as an act of violence against demonstrators in the field. Thus provoking the social class to discredit the police. On the other hand, it can be understood that the forms and procedures for expressing opinions in public are regulated in Article 9 of Law Number 9 of 1998 concerning Freedom of Expression in Public. Article 9 paragraph (3) explains that: "Perpetrators or participants in expressing opinions in public as referred to in paragraph (1) are prohibited from bringing objects that can endanger public safety." Freedom of expression in public in the Indonesian constitution, the 1945 Constitution after the second amendment, has been regulated in Article 28E paragraph (3) which states: "Everyone has the right to freedom of association, assembly, and expression of opinion." What is meant by everyone has the right to freedom of expression can be in the form of expressions or statements in public or in writing or can also be in the form of a demonstration or demonstration. Demonstrations or demonstrations in everyday reality often cause problems in the level of implementation, although they have been guaranteed in our constitution, the procedures and implementation of demonstrations often hurt the spirit of democracy itself. So it can be seen that the meaning of freedom of expression as a form of democratization is often misused by the perpetrators of anarchist demonstrations. Where the perpetrators feel that their actions are a form of constitutional mandate that needs to be recognized and protected as human rights, so that if action is taken, the perpetrators of anarchist demonstrations will judge the police officers for committing human rights violations.²⁰

3.3. Solutions to the Problem of Legal Balance in Handling Anarchist Demonstrations in Cirebon city

Based on the various explanations above, it is clear that the problems that hinder the optimization of handling anarchist demonstrations consist of:

- a. The categorization of anarchic actions during demonstrations as a type of criminal act has not yet been regulated.
- b. In law enforcement, the problem is the lack of police personnel and infrastructure in dealing with anarchist demonstrations which often take place in large groups.
- c. The public view is that anarchic actions in demonstrations fall into the category of the right to express opinions.

The solution steps in overcoming the problems that hinder the optimization of handling anarchist demonstrations are:

- a. Making provisions in the Criminal Code specifically regarding anarchic demonstrations as a crime.
- b. For the police, it is necessary to increase the number of personnel and infrastructure related to the task of handling anarchist demonstrations.

²⁰Jazumi dalam Anik Kunantiyorini, *Pancasila Sebagai Sumber Dari Segala Sumber Hukum*, accessed from portalgaruda.org/article.php?...Pancasila-sebagai-sumber..., accessed on 18 February 2018.

- c. There needs to be education for the public that anarchic actions do not reflect a civilized and democratic attitude, but are actions that are contrary to democratization in the implementation of demonstrations.

4. Conclusion

The current mechanism for implementing the handling of anarchist demonstrations in Cierbon City is by requiring permits for demonstrations, efforts to secure demonstrations, and enforcing the law against perpetrators of anarchist demonstrations that endanger the wider community. The problems that hinder the optimization of handling anarchist demonstrations consist of the lack of regulation of the categorization of anarchist actions in demonstrations as a type of criminal act. In law enforcement, the problem is the lack of police personnel and infrastructure in handling anarchist demonstrations that are often in large groups. The public view is that anarchist actions in demonstrations are included in the category of the right to express opinions. A solution to overcome the problems that hinder the optimization of handling anarchist demonstrations is to make regulations in the Criminal Code specifically related to anarchist demonstrations as a crime. The police need to increase the number of personnel and infrastructure related to the task of handling anarchist demonstrations. There needs to be education for the public that anarchist actions do not reflect a civilized and democratic attitude, but are actions that are contrary to democratization in the implementation of demonstrations.

5. References

Journals:

- Latipah Nasution, "Hak Kebebasan Berpendapat dan Berekspresi Dalam Ruang Publik di Era Digital", *Adalah*, Vol. 4, No. 3, 2020
- Edward Dzaky Widyandana and Elza Qorina Pangestika, "Penegakan Hukum Dalam Penanganan Demo Anarkis Perspektif Ham", *Jurnal Review Pendidikan dan Pengajaran*, Volume 7 Nomor 4, 2024
- Adams, Cindy, dalam Dwi Siswoyo, (2013), Pandangan Bung Karno Tentang Pancasila Dan Pendidikan, Cakrawala Pendidikan, *Jurnal Ilmiah Pendidikan*, Universitas Negeri Yogyakarta, Yogyakarta
- Jakob Tobing, "Kebebasan Berserikat Sebagai Hak Asasi", *Civis*, Vol. 3, No. 1, 2011
- Muhammad Irfan Pratama, Abdul Rahman, dan Fahri Bachmid, "Kebebasan Berpendapat dan Berekspresi di Media Sosial dalam Perspektif Hak Asasi Manusia", *Qawanin*, Vol. 3, No. 1, 2022

Books:

- Kelsen, Hans, (2007), *General Theory of Law and State*, Russel & Russel, New York 1935, dalam Maria Farida Indrati S., *Ilmu Perundang-Undangan: Jenis, Fungsi, dan Materi Muatan, Buku 1*, Yogyakarta : Kanisius
- Pranowo, M. Bambang, (2010), *Multi Dimensi Ketahanan Nasional*, Jakarta : Pustaka Alvabet

Master of Law, UNISSULA

Soekanto, Soerjono, & Sri Mamudji, (1994), *“Penelitian Hukum Normatif Suatu Tinjauan Singkat”*, Jakarta : Raja Grafindo Persada.

Sugiyono (2015), *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Bandung : ALFABETA

Miftahuddin (2004), *Radikalisasi Pemuda PRD melawan Tirani*, Jakarta : Desantara

Charles Tilly (2007), *Democracy*, New York : Cambridge University Press

Eko Riyadi (2018), *Hukum Hak Asasi Manusia*, Depok : PT Raja Grafindo Persada

Internet:

Jazumi dalam Anik Kunantiyorini, *Pancasila Sebagai Sumber Dari Segala Sumber Hukum*, accessed from portalgaruda.org/article.php?...Pancasila-sebagai-sumber..., accessed on 18 February 2018.

Regulation:

The 1945 Constitution of the Republic of Indonesia

Law Number 39 of 1999 concerning Human Rights

Interview:

Interview with AKP Eko Anggi Prasetyo, S.Tr.K., S.IK. Head of Intelligence Unit of Cirebon City Police, December 28, 2024.

Interview with Police Commissioner Joni Surya as Head of Intelligence Unit of Cirebon Police, May 12, 2025.