

Juridical Analysis of Role of Intelkam Polda Kepri in Identifying Threat Challenges Obstacles Disturbance Kamtibmas to Ensure Legal Certainty

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Abstract. *The purpose of this study is to find out the implementation of the role of the Kepri Police Intelligence in identifying threats, challenges, obstacles to disruption of Kamtibmas in order to uphold legal certainty; To find out the factors that are constraining or hindering the role of the Riau Islands Police intelligence in identifying threats, challenges, obstacles to Kamtibmas disturbances in order to uphold legal certainty and how to solve them. This study uses a sociological juridical approach, namely an approach that is not only legal but also uses social science. To find the problems in this study the authors used research specifications in a descriptive analysis, namely to describe the implementation of the role of the Riau Islands Police's Intelligence and Security Intelligence in identifying threats to obstacles to Kamtibmas disturbance in order to uphold legal certainty. The results of the description are then analyzed using qualitative data analysis techniques using theories of law, social science, expert opinion, and existing laws and regulations.*

Keywords: *Barriers; Challenges; Disturbance; Public; Security.*

1. Introduction

Polri is a government institution that has the main duties of law enforcement, maintaining security and order and providing protection, protection and service to the community. In carrying out these basic tasks, within the Polri institution it

is necessary to have police functions which have their respective working areas which are interrelated and integrated. One of the functions of the police is security intelligence or what is commonly called intelligence. This function is one of the functions of the police. The word specifically related to efforts to secure the State and the Nation. Basically, intelligence can be distinguished, namely intelligence as information material that has been processed, as an organization and as an activity. These three meanings, although separate, are always related to one another.

Specifically related to efforts to secure the State and the Nation. On the basis of intelligence, intelligence can be distinguished, namely intelligence as information material that has been processed, as an organization, and as an activity. These three meanings, although separate, are always related to one another.¹ Security intelligence is an integral part of the organic function of the National Police which carries out intelligence activities and operations in the form of investigations, safeguards and mobilization in the security sector for the benefit of implementing Polri's operational and management tasks in the context of realizing internal security. The intelligence function is an intelligence function that serves as the Eyes and Ears of the National Police unit which is obliged to carry out early detection and provide warnings of problems and developments in problems and changes in social life in society, and is also tasked with identifying threats, disturbances or obstacles to Kamtibmas.

The situation of law and order and crime has a tendency to increase from year to year in tune with developments in various aspects of people's lives, meanwhile a conducive security and order situation in the region is absolutely necessary, to support the implementation of regional development up to the national level, including the running of the wheels of government and the economy. Intelkam's function as the executor of the security intelligence function which includes investigation, security and mobilization in order to maintain security stability and conducive public order, must be able to anticipate various developments in the situation so that if a factual threat arises it can be handled professionally and proportionately in accordance with the procedures stipulated in the laws and regulations. invitation.²

¹Nadir, A. 2005. Direct Pilkada and the Future of Democracy. Malang: Averroes Press. page: 82

²Ibid

The intelligence function of the Indonesian National Police plays a very important role in providing input to the leadership regarding the development of security and order in society. A sharp and accurate intelligence analysis is needed so that all possibilities regarding the development of Kamtibmas can be anticipated by the police. Thus, the role and function of intelligence services are demanded in carrying out their duties in dealing with the development of the Kamtibmas paradigm that occurs in their respective task areas. One of the tasks of intelligence services is to act as the eyes and ears of the National Police unit, which is obliged to carry out early detection and provide warnings of problems and developments in problems and changes in social life in society. As well as being able to identify threats, disturbances, or obstacles to Kamtibmas. Inside the police intelligence there is the Intelpampol detection system, this system as part of the Intelpampol Operational System in order to realize Intelpampol's capabilities as stipulated. In essence, this early detection system starts from the basics of carrying out Intelpampol tasks. The basics of carrying out Intelpampol duties stem from the understanding that Intelligence is for Leaders in terms of their qualifications as Head/Commander, as an element of the government, as a community leader, as the father of the large Polri family.

The Security Intelligence Unit can act as an Investigator as stipulated in the Regulation of the Head of the Security Intelligence Agency for the Indonesian National Police Number 1 of 2013 concerning Intelligence Investigations for the Indonesian National Police. So that based on the principle of coordination between units in the Police in accordance with the provisions of Article 48 of Presidential Regulation Number 52 of 2010 concerning the Organizational Structure and Work Procedure of the Indonesian National Police and the Criminal Procedure Code (KUHAP) that Investigators and Investigators are officials of the Indonesian National Police, so that the security intelligence unit can play a role in carrying out investigations into a crime to collect material and information about an event that can disrupt security stability and comfort at the request of investigators.

The process of early detection of Polri's Intelligence and Security through Intelkam is carried out not solely with makeshift information products but through various stages of data processing and also using in-depth analysis so as to produce accurate information. Existing information is made in the form of intelligence products that are presented to the leadership in order to provide

input to the leadership to help determine policies to be taken to anticipate security and order disturbances.

The Directorate of Intelligence for the Riau Islands Police stated that the problems faced by intelligence agents for the last two years were Covid 19, Illegal PMIs, Terrorists and most recently the problem of used clothing, the authors obtained some data regarding this issue, namely:

Table 1.1. Covid 19 Cases in 2021

2021	Sept. 30	Oct. 31	Nov. 30	31 Dec
POSITIVE CONFIRMATION	53,632	53,847	53,878	53,887
ACTIVE CASE	215	25	10	3
HEALED	51,670	52,066	52,109	52,125
MD	1,747	1,756	1,759	1,759

Table 1.2. Covid 19 Cases in 2022

2022	Sept. 30	Oct. 31	Nov. 30	18 Dec
POSITIVE CONFIRMATION	66,021	66,165	66,620	66,748
ACTIVE CASE	37	57	113	55
HEALED	64,044	64,157	64,528	64,700
MD	1940	1951	1979	1993

Table 1.3. Illegal PMI case

No	Regency/ City	Month	Man	Woman	Children	Amount
1	Batam	Nothing	Nothing	Nothing	Nothing	Nothing
2	Cape betel nut	October	227 People	155 People	12 People	394 People
		November	250 People	99 People	10 People	359 People
		December	41 People	32 People	2 persons	75 People
3	Bintan	Nothing	Nothing	Nothing	Nothing	Nothing

4	Karimun	Nothing	Nothing	Nothing	Nothing	Nothing
5	Phallus	Nothing	Nothing	Nothing	Nothing	Nothing
6	Anambas	Nothing	Nothing	Nothing	Nothing	Nothing
7	Natuna	Nothing	Nothing	Nothing	Nothing	Nothing
	Total	Whole	518 People	286 People	24 People	828 People

That going forward the intelligence battlefield is information and opinion formation. Intense media and opinion gathering without neglecting press freedom must be carried out in a planned and comprehensive manner. In this case, the key is not only to act and prevent and overcome misinformation, but also to take an initiative position to build public opinion that is beneficial to one's own interests and the vision and mission of the organization. This was done to be wary of various radical ideas concerning the replanting of anti-Pancasila ideas. So the purpose of this article is to find out the implementation of the role of the Kepri Police Intelligence in identifying threats, challenges, obstacles to disruption of Kamtibmas in order to uphold legal certainty.

2. Research Methods

I. This study uses a sociological juridical approach, namely an approach that is not only legal but also uses social science. To find the problems in this study, the authors used research specifications in a descriptive analysis, namely describing the implementation of the role of the Riau Islands Police Intelligence Service in identifying threats, challenges, obstacles to disruption of Kamtibmas in order to uphold legal certainty.

3. Results and Discussion

II. Implementation of the role of the Kepri Police Intelligence in identifying threats, challenges, obstacles to Kamtibmas disturbances in order to uphold legal certainty

Legal positivism as a whole is essentially a law that contains a complete law so that the next task of the judge is to apply the provisions of the law mechanically in solving problems that exist in society, in accordance with what has been determined in the law. However, the paradigm of legal positivism places judges

as prisoners of law, does not give the court the opportunity to become an institution that can encourage community development related to the role of the police in overall security and order. Legal positivism is an extension of the Cartesian Newtonian paradigm.³Cartesian Newtonian has brought the most fundamental influence on scientific positivism which then influences legal positivism is the dualism and reductionist views. With this dualism view, law is separated from justice because it focuses too much on matters relating to definitions, concepts and descriptions, and concentrates on the form and content of law.⁴

According to Hans Kelsen, law must be free from all elements that are foreign to the special method of a science whose goal is only legal knowledge, not its formation. The field of study of jurisprudence is positive law or actual law which is different from the ideal law which is 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 any given time.⁵Meanwhile, the reductionist view has influenced legal positivism in reducing legal reality which consists of idea reality (mind capacity), material (actual) reality and artificial reality into a single entity.

If it is related to the theory of Dai 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 created and abolished by human actions, so regardless of the element of morality and the system of norms themselves.⁶In 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 law is only known as formal law, so it must be separated from its material form, this is because it will undermine the scientific truth of law. itself.⁷According to HLA Hart quoted by Satjipto Rahardjo, basically legal positivism is:⁸

1. The law is only the order of the authorities;

³Anton F. Susanto, 2010, *Legal Deconstruction: Text Exploration and Reading Models*, Yogyakarta, Genta Publishing, p. 29.

⁴*Ibid.*, p. 149

⁵Hans Kelsen, 1995, *Pure legal theory: Fundamentals of Normative Law as Empirical-Descriptive Law*, Rimdi Press, p. 4

⁶*Ibid.*, p. 115.

⁷Satjipto Rahardjo, 2009, *Law and Behavior: A Good Life Is a Good Legal Basis*, Jakarta, Kompas Gramedia, p. 162

⁸*Ibid.*, p. 162

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

Prof. Dr. Satjipto Rahardjo, SH, who initiated progressive law, has the same rationale for law, that law aims to create justice and truth through moral values. Satjipto Raharjo and Karl N. Llewellyn have something in common in terms of criticizing court judges who use a positivistic paradigm.

Progressive legal theory teaches that law enforcers can adapt written rules to situations and conditions in society, if necessary, judges can change laws and even create new provisions. According to Satjipto "This legal theory cannot be separated from the environment of its era, we often see it as an answer given to legal problems or suing a dominant legal thought at a time".

Progressive Law in essence aims to encourage legal workers to be more courageous in making inroads in implementing the law in Indonesia. In addition, the formation of progressive legal ideas is also intended so that the world of law is not only shackled by positivistic and legal analytical thoughts.⁹

Role is a dynamic aspect in the form of actions or behaviors carried out by someone who occupies or holds a position and exercises rights and obligations according to his position. In this case the role carried out is a normative and factual role. The normative role is carried out by the Intelligence and Security Unit of the Riau Islands Police in overcoming the threat of obstacles to disruption of Kamtibmas based on laws and regulations, in particular the Law on the Indonesian National Police. The role of the Kepri Regional Police Intelligence in overcoming threats of obstacles to Kamtibmas disturbances is carried out in the context of maintaining public security and order in the context of achieving national goals which are marked by ensuring security, order and upholding the law, as well as preventing, preventing, and overcoming all forms of law violations and other forms of disturbance that can disturb the community. Meanwhile, the

⁹Rifai, Ahmad. (2020). *Achieving Justice With Progressive Law*. Edited by Nur Amin Saleh. Makassar: CV. Nas Media Pustaka.p.1

factual role is carried out by the Intelligence and Security of the Riau Islands Police in overcoming the threat of obstacles to disruption of Kamtibmas based on the fact that there are threats in people's lives.

Threats to obstacles to disruption of Kamtibmas that have so far 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, nation and state life so that countermeasures against threats of obstacles to disruption of Kamtibmas need to be carried out in a sustainable, directed 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 a series of events involving Indonesian citizens joining certain organizations that are radical and have been designated as organizations or groups that threaten the condition of the country, or other organizations that intend to carry out a conspiracy that leads to threats of challenges to disruption of Kamtibmas, both inside and outside country, has created public fear and has had an impact on political, economic, socio-cultural, public security and order, as well as international relations. Certain organizations that are radical and lead to threats of challenges to obstacles to disruption of Kamtibmas such as acts of terrorism are transnational crimes, organized, and has an extensive network that has actually led to massive criminal acts of terrorism which, if not addressed immediately, threaten peace and security, both nationally and internationally. Examples of criminal acts of terrorism are regulated in Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism to Become Law (Terrorism Law).

The task of the Indonesian National Police as an instrument of the state is to carry out arrangements, safeguards, escorts and patrols for community and government activities as needed; carry out all activities in guaranteeing security, order and smooth traffic on the road and fostering the community to increase community participation, public legal awareness and compliance of citizens with laws and regulations, as well as maintaining order and guaranteeing public security.¹⁰

¹⁰Article 14 Law Number 2 of 2002 concerning the Police

The authority of the police in carrying out the duties of the police is to carry out actions according to law that are responsible and carried out with conditions, namely: not contrary to a rule of law; in line with legal obligations that require the action to be taken; must be appropriate, reasonable, and within the scope of his position; proper consideration based on compelling circumstances and respect for human rights (Article 16 of Law Number 2 of 2002 concerning the Police). Changes and uniformity brought about by the global situation have given values and a new way of life in Indonesian society, namely human rights, transparency, democracy, the environment and economic, social and cultural patterns.¹¹ Meanwhile, the government with all its attributes and equipment is not ready to face all these demands. This creates gaps 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 the complexity of the problem, accompanied by the accelerating development of science and technology, especially in the field 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 atmosphere, conventional Intelligence activities can no longer be fully carried out, investigative activities, safeguarding and mobilizing the community and monitoring their activities,¹²

1) The community is more sensitive to all activities of the security forces, especially the activities of the security forces "in plainclothes" because an image has arisen among the public, especially intellectuals and students that intelligence officers are the ones who engineer the various riots and kidnappings that have occurred so far.

2) Intelligence organs and members are valued by the public as apparatus that builds and maintains conditions that only benefit the government, but do not build conditions that benefit the community.

3) Some people already own and utilize sophisticated technology, communication and transportation in telecommunications, dialogue, negotiations, transactions in their daily activities. Likewise, criminals in carrying out their crimes have used communication and transportation technology, while police officers, especially intelligence officers, mostly only use conventional means.

4) The public's awareness of openness, human rights, democracy and freedom of

¹¹Y. Wahyu saronto. Op. Cit. p. 224

¹²Ibid. p. 225.

expression is so high that it is difficult for Intelligence to carry out activities that are closed in nature.

5) With the speed at which information reaches remote villages, the behavior and dynamics of society change rapidly from time to time, so that with the constraints of limited personnel and the ability of professional intelligence, it is difficult to detect signs and tendencies of security and order disturbances that may occur in all areas.

It is undeniable that the characteristics of Intelligence activities which are characterized by secrecy, disguise, infiltration, and so on, are unpopular activities and will always be suspected by the public in today's era of globalization. With the current condition of Police Intelligence resources, Social Intelligence will be easily open with the courage and openness of society as well as through the rapidly developing technological media. In entering this era of globalization, it is necessary to understand the peculiarities of the nature of intelligence tasks by all parties within the ranks of the Police, because Intelligence as the eyes and ears as well as giving direction to the organization, must be different in terms of organization, systems and methods, human resource development, Intelligence operational costs and use of intelligence-specific equipment. In the field of organization,

An information system from below (bottom up information system) needs to be developed. Therefore the intelligence implementing organization at the regional level (Polsek, Polres, Polda) as the bearer of the function of detection and identification needs to be structured clearly. In fostering human resources, Intelligence Culture needs to be strengthened within the police Intelligence environment, members and Intelligence operational units are fostered and developed according to their duties, both the placement of the marks which are separate from the headquarters of other Polri members, their physical posture both appearance and procedures Dress according to the requirements of the task. Likewise in terms of financial support, Intelligence activities really need adequate funds, because without sufficient financial support it will affect the implementation of Intelligence activities.

Technological development is a vital part of Intelligence activities, especially the development of intelligence-specific equipment, namely Intelligence communication tools, wiretapping tools, Interceptors, Intel clandestine network preparation tools, security and surveillance tools, documentation and recording

tools, and photography equipment.¹³It is necessary to use communication satellites to support and coordinate special Intelligence equipment throughout Indonesia and Intelligence must become part of the cyberspace community, so that it can monitor various international and national information.

Seen from the perspective of role theory where the role is a set of levels that are expected and possessed by those who are located in society. In this case the role is constructed as a function or position and subject in the organization and in relation to society or in the sense of studying and analyzing the role of institutions and society in solving, resolving and ending problems that arise in the life of society, nation and state. .

The National Police is a state institution that plays a role in creating a sense of security, comfort and peace for all Indonesian citizens, especially in protecting the community in general security and order from acts and understandings of terrorism, the various roles and efforts of the Police in overcoming and preventing criminal acts of terrorism can be seen from the role of Intelligence Police security in various forms of security is carried out to prevent the occurrence of law and order such as the occurrence of criminal acts of terrorism by using early detection or early warning methods, in order to be able to provide information to the National Police leadership in the form of intelligence products to prepare policies that will be used in countermeasures.

4. Conclusion

Implementation of the role of the Riau Islands Police Intelligence in identifying threats to obstacles to Kamtibmas disturbances in order to uphold legal certainty that Security of Public Order Funds (KAMTIBMAS) is very important in order to achieve a safe country and in order to achieve prosperity, Intelligence in the Riau Islands Police is one of the institutions that play a role in achieving Community Security and Order, Based on data and facts in accordance with what has been described in the formulation of the police problem in Identifying Threats, Challenges, Obstacles, Obstacles to Security and Order Disruption by the Kepri Police Intelligence, in this study, this research is carried out using stages and work plans. The Kepri Regional Police Intelligence always conducts investigations so that there are no disturbances of security and order.

¹³Ibid

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