

THE AUTHORITY OF THE BALI REGIONAL POLICE MOBILE BRIGADE IN SECURING THE SIMULTANEOUS REGIONAL HEAD ELECTIONS IN JEMBRANA REGENCY

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Abstract

The police have a dual role as law enforcers and social workers in the social and community sectors. The duties and functions of the police are regulated in Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police. The Mobile Brigade Corps (Brimob) of the Indonesian National Police (Polri) is an integral part of the Indonesian National Police (Polri), tasked with fostering and deploying forces to address high-intensity disturbances to public security and order, as well as other duties within the scope of the Polri's primary duties. The questions raised in this study are: 1. What is the authority of the Bali Regional Police Mobile Brigade's C Pioneer Anti-riot Response Battalion in securing the simultaneous regional head elections in Jembrana Regency? And what are the obstacles faced by the Bali Regional Police Mobile Brigade in securing the simultaneous regional head elections in Jembrana Regency? The type of research used is normative legal research supported by empirical or field legal research. The results of this study indicate that the National Police Mobile Brigade's C Pioneer Anti-riot Response Battalion has the authority to address riots or mass unrest that have the potential to disrupt public security and order. This authority is based on the Police Law and the Regulation of the Chief of Police on Riot Management (PHH). The obstacles faced by the Bali Regional Police Mobile Brigade in securing the simultaneous regional head elections in Jembrana Regency include the difficulty of the Police in estimating the number of protesters, the large number of protesters also has the potential for anarchy, the ease with which social media can spread hoaxes, the lack of police personnel, and the easy explosion of psychological factors in protesters..

Keywords: Authority, Bali Regional Police, Regional Head Elections.

Introduction

The police have a dual role as law enforcers (in the criminal justice sector) and social workers (social workers) in the social and community sectors (services and protection). Furthermore, in general, police duties include maintaining security and order (maintaining peace and order) and law enforcement.

The duties and functions of the police are regulated in Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, which states: "The function of the police is one of

the functions of state government in the areas of maintaining public security and order, law enforcement, protection, patronage, and service to the community."

The police's function in maintaining public security and order (Kamtibmas) is a manifestation of the implementation of tasks that are responsible for creating an orderly, peaceful, and orderly environment in daily community life. As the primary officers responsible for ensuring security and order, the police hold full authority and control over achieving the goal of creating a conducive Kamtibmas.

The Mobile Brigade Corps of the Indonesian National Police (Brimob) is an integral part of the Indonesian National Police (Polri) and has the task of developing and deploying forces in order to overcome high-intensity disturbances of public security and order, as well as other tasks within the scope of the main tasks of the Indonesian National Police to maintain domestic security. In addition, the authority of the Mobile Brigade Corps as a law enforcer against high-intensity disturbances of public security and order is also implied in its main tasks and functions, as stated in Article 220 of the Regulation of the Chief of the Indonesian National Police Number 22 of 2010 concerning Organizational Structure and Work Procedures at the Regional Police Level, namely: implementing and deploying the power of the Mobile Brigade Corps to overcome high-level disturbances of public order and security, especially mass riots, organized crimes involving firearms, bombs, chemical, biological and radioactive materials together with other operational implementing elements of the police to realize legal order and public peace throughout the jurisdiction of the Unitary State of the Republic of Indonesia and other tasks assigned to it.

Methods

The type of research used in this paper is normative legal research supported by empirical or field legal research. Normative legal research is conducted through discussions using

concepts found in the literature used and legislation as the legal basis for solving problems. Empirical legal research, on the other hand, is based on conditions or data in the field.

Results and Discussion

The authority of the Anti-Riot Handling Battalion C Pioneer Brimob Bali Regional Police in the context of securing the simultaneous regional head elections in Jembrana Regency

Public security and order is a dynamic condition of society as a prerequisite for the implementation of the national development process in order to achieve national goals, characterized by guaranteed security, order, and the upholding of the law, as well as the establishment of a state of peace that encompasses the ability to foster and develop the potential of community strengths to deter, prevent, and overcome all forms of legal violations and other forms of disturbance that can disturb the community.

Disruptions to public security and order are not limited to factual threats. There are numerous other forms of threats to public security and order that, if not promptly addressed, will be no less troublesome. These include threats in the form of Police Hazards, which often arise from nature, humans, and animals, and threats to public security and order in the form of correlative criminogenic factors, which usually arise from and are influenced by ideology, politics, economics, social, and culture. Forms of disturbance that can disturb the community that arise from nature include natural disasters and accidents caused by natural factors.

The function of the police is one of the functions of the state government in the areas of maintaining public security and order, law enforcement, protection, protection, and service to the community. The main duties of the National Police of the Republic of Indonesia are: maintaining public security and order; Enforcing the law; and providing protection, care, and services to the community.

One of the duties of the Indonesian National Police (Polri) is to protect the safety of life, property, the community, and the environment from disturbances and/or disasters, including

providing assistance and relief while upholding human rights, as stated in Article 14 letter I of Law Number 2 of 2002 concerning the Indonesian National Police.

The Indonesian National Police (Polri) has a preventive policing function, which includes Shabara functions, divided into two (2):

1. The Police's Samapta (Police Unit), which consists of carrying out police duties, general crowd control duties, wildlife, air police, and water police.

2. The Indonesian National Police's Mobile Brigade (Brimob), which includes tasks related to riot control, high-intensity crime, terrorism, organized armed crime, and bomb disposal.

The Indonesian National Police Mobile Brigade (Brimob) is an executive unit at the National Police Headquarters, subordinate to the Chief of Police, as mandated by Police Law Number 2 of 2002.

According to Police Law Number 2 of 2002, Article 13, the main duties of the Indonesian National Police are:

1. Maintaining public order and security.
2. Enforcing the law, and
3. Providing protection, assistance, and services to the community.

According to I Nyoman Supartha Wirya Darma, Commander of the Bali Regional Police Mobile Brigade Battalion C Pioneer, the implementation of these main duties depends heavily on the social and environmental situation at hand, as these three main duties must be carried out based on legal norms, religious norms, decency, and morality, while upholding human rights. The main duties of the Mobile Brigade Corps (Brimob) under Law Number 2 of 2002 concerning the Indonesian National Police are as follows:

1. Protecting the safety of life, property, the community, and the environment from disturbances and/or disasters, including providing assistance and aid while upholding human

rights (Article 14 letter I). In this regard, the duties of the Mobile Brigade Corps (Brimob) include Search and Rescue (SAR) activities and dealing with demonstrations and riots.

2. Monitoring movements that could cause division or threaten national unity (Article 15 paragraph (1) letter d). In this regard, the Mobile Brigade Corps (Brimob) carries out the task of restoring domestic security due to national disintegration, especially in regions seeking to secede from the Unitary State of the Republic of Indonesia.

4. Issuing permits and supervising firearms, explosives, and sharp weapons (Article 15 paragraph (2) letter e). The Mobile Brigade Corps (Brimob) is tasked with bomb disposal and handling terrorism threats within Indonesia.

The position of the Mobile Brigade Corps (Brimob) of the Indonesian National Police (Polri) under Indonesian law is as a state apparatus entrusted with the duty and authority to maintain domestic security and public order in the public interest, as stipulated in criminal law. In carrying out its duties in the field, Brimob must comply with standard operating procedures (SOPs) and action orders from its leadership, and must not violate human rights, the Criminal Procedure Code (KUHP), or the Criminal Code (KUHP).

Furthermore, according to I Wayan Murtayasa, Operations Officer of Battalion C Pelopor Brimob of the Bali Regional Police, the Mobile Brigade Corps (Brimob) is an elite unit within the Indonesian National Police (Polri) that plays a crucial role in maintaining public order, particularly in emergency situations such as handling mass riots. In the context of a state governed by the rule of law like Indonesia, all Brimob Corps actions must be based on applicable law, while upholding human rights. The authority granted to Brimob is not only repressive, but also preventive and humanistic, in accordance with the mandate of the constitution and various regulations. Brimob, including the Pioneer C Battalion, is equipped with specialized capabilities such as riot management, anti-anarchy, Search and Rescue (SAR), and handling Active Shooter situations.

The basis of the Brimob Corps' authority can be traced to Law Number 2 of 2002 concerning the Indonesian National Police. Article 13 of this law stipulates that the primary duties of the Indonesian National Police, including Brimob, are to maintain public security and order, enforce the law, and provide protection, assistance, and service to the community. In carrying out these duties, Brimob is tasked with handling high-intensity threats, including mass riots.

In practice, Brimob's use of force often creates legal dilemmas, particularly regarding human rights (HAM). Brimob's standard operating procedures must align with Law Number 39 of 1999 concerning Human Rights. For example, in the context of dispersing a riotous crowd, Brimob must ensure that the action taken is a last resort after all persuasive efforts have failed, and that the action is proportionate to the threat faced. Compliance with human rights principles is also reflected in Police Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Execution of Police Duties. This regulation emphasizes that every repressive action must be subject to a careful threat analysis and accompanied by documentation of the use of force for legal accountability.

According to I Nyoman Kita, Deputy Commander of the C Pioneer Battalion of the Bali Police Mobile Brigade Corps, a major challenge faced by Brimob in handling mass riots is maintaining a balance between the need to maintain public order and respect for the public's freedom of expression. In some cases, such as those in several regions, Brimob's actions in controlling crowds have drawn criticism from various human rights organizations, particularly regarding allegations of excessive use of force. Therefore, it is crucial for every Brimob personnel to understand the hierarchy of legal norms governing their actions, from the 1945 Constitution, the National Police Law, the Criminal Code, to the Chief of Police Regulations (Perkap) and internal procedures. This understanding is not only crucial to avoid legal violations but also to strengthen the legitimacy of police actions in the public eye.

One of the key instruments in Brimob's training in handling mass riots is ongoing training in crowd control techniques, non-violent approaches, and an understanding of human rights principles. For example, Brimob's PHH training is conducted quarterly to maintain personnel's preparedness in dealing with riots, prioritizing conflict de-escalation.

In practice, Brimob's authority is regulated through internal legal instruments, such as Regulation of the Chief of the Indonesian National Police (Perkap) Number 1 of 2009 concerning the Use of Force in Police Actions. This regulation emphasizes that the use of force must comply with the principles of legality, necessity, proportionality, and accountability. This means that Brimob actions must be based on the law, used only when necessary, proportionate to the existing threat, and legally accountable. In handling mass riots, Brimob uses a phased approach. This procedure begins with the physical presence of troops to demonstrate readiness, followed by verbal action to disperse the crowd, the use of non-lethal means such as shields and tear gas, and finally, the use of higher-level force if necessary. These stages must be followed carefully to ensure any escalation of action is legally and ethically justified.

As reflected in the basic operational principles of the Mobile Brigade Corps (Brimob), intervention in mass riots is carried out based on a hierarchy of minimal force. Repressive action can only be taken after persuasive and preventative efforts are no longer effective. This aligns with international principles regarding the use of force by law enforcement officers, as stipulated in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

According to I Wayan Murtayasa, Operations Officer of the C Pioneer Battalion of the Bali Regional Police Mobile Brigade Corps, regarding the simultaneous regional head elections in Jembrana Regency, which have the potential to cause security disturbances, the National Police's C Pioneer Battalion has the authority to handle riots or mass disturbances that could disrupt security and public order. This authority is based on the Police Law and the National Police Chief's Regulation on Riot Management (PHH). The C Pioneer Battalion is part of the

Indonesian National Police Mobile Brigade Unit, tasked with handling social conflicts, riots, and insurgency crimes. Brimob's authority in handling riots is based on Law Number 2 of 2002 concerning the Indonesian National Police, which mandates Brimob to handle high-level situations, including riots and civil unrest, and internal legal instruments such as Regulation of the Chief of the Indonesian National Police (Perkap) Number 1 of 2009 concerning the Use of Force in Police Actions. In carrying out its duties, Brimob must implement appropriate Standard Operating Procedures (SOPs) and act quickly to control the situation and restore security. The main task of Brimob, including the C Pioneer Battalion, is to prevent the spread of riots, disperse rioting groups, arrest perpetrators, and restore security and order.

Obstacles faced by the Bali Regional Police Mobile Brigade in securing the simultaneous regional head elections in Jembrana district

The government has enacted regulations prohibiting discriminatory campaigns based on individual identity. This aims to prevent damaging polarization and the potential for instability. Identity issues carry significant risks, as seen throughout history. This includes the partition of India into two separate countries, India and Pakistan, in 1947. In the United States, the civil rights movement of the 1950s and 1960s also highlighted identity issues such as race and played a significant role in social and political change. Moreover, the breakup of Yugoslavia resulted in a devastating conflict involving numerous ethnicities and religions. All of this demonstrates that polarization based on identity carries serious risks and threats, and therefore, it is crucial for every citizen to be aware of the importance of national unity. Law Number 9 of 1998 concerning Freedom of Expression in Public has normatively defined public expression as a human right guaranteed under Article 28 of the 1945 Constitution of the Republic of Indonesia, which states that "Freedom of association and assembly, of expressing opinions orally and in writing, and so on, shall be established by law." Freedom of expression is also in line with Article 19 of the Universal Declaration of Human Rights, which normatively states: "Everyone

has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and opinions through any means and regardless of frontiers."

The exercise of free will to express thoughts orally and in writing remains limited and is bound by applicable legal provisions. This is intended to ensure that all social services and institutions, both public infrastructure and superstructure, are free from deviations or violations of the law that contradict the intent, purpose, and direction of freedom of expression. This prevents social disintegration and ensures a sense of security in the social order. However, in practice, demonstrations, particularly in Jembrana City, whether by students, community groups, mass organizations, and various other elements of society, often end in riots, followed by acts of vandalism against public facilities. This clearly constitutes a violation of the law as stipulated in Article 16 of Law Number 9 of 1998 concerning Freedom of Expression in Public, which explicitly states that: "Perpetrators or participants in public expression who commit unlawful acts may be subject to legal sanctions in accordance with applicable laws and regulations."

The Indonesian National Police, in this case the Mobile Brigade (Brimob), must enforce the law in accordance with its authority, duties, and functions. However, in practice, based on the author's research, Brimob faces several obstacles in handling riots in Jembrana Regency. These obstacles are as follows:

1. The Presence of Provocateurs

Demonstrations are an effort to express opinions to the government that are deemed inappropriate and appear to be misconduct in carrying out its duties. To achieve this, students demonstrate at relevant agencies where there are indications of fraud committed individually or through agencies. A government official who commits an act detrimental to the government's operations will harm the state in terms of development, revenue, and other aspects. Therefore, when such incidents occur, through public complaints and reports regarding the issue, students

take to the streets to defend the interests of the people, or to remind the government of a good and proper system of governance. Therefore, a good government always receives criticism accompanied by constructive criticism. The law on freedom of speech is very open, so anyone speaking in public will not be hindered by the requirement of permission from the authorities. Demonstrations involving large crowds are often infiltrated by provocateurs who want to exploit the situation. These provocateurs want the situation to get out of control. When the crowd is swayed by the provocateurs, riots are certain to occur, which of course lead to criminal acts. Based on the author's interview with Mr. I Nyoman Supartha Wirya Darma, S.H., Commander of the C Pioneer Battalion of the Bali Regional Police Mobile Brigade, that: "demonstrations carried out by the community are actually not a problem as long as they are carried out in an orderly manner in accordance with applicable laws. However, sometimes these demonstrations when infiltrated by provocateurs will end in clashes between the demonstrators and the police. When the crowd is incited by provocateurs, the crowd will be very difficult to control. If the situation gets out of control, firm action will be taken by security officers on the ground." In fact, the act of provocateurs inciting demonstrators constitutes a criminal offense as stipulated in Article 160 of the Criminal Code, which states: "Anyone who, in public, verbally or in writing, incites people to commit a criminal act, commits violence against public authorities, or disobeys either the provisions of the law or official orders issued based on the provisions of the law, shall be punished by a maximum imprisonment of six years or a maximum fine of four thousand five hundred rupiah."

These provocateurs must be constantly monitored during demonstrations. As with the demonstrations in Jembrana Regency, which initially proceeded orderly and peacefully, after the instigators entered, the situation became uncontrollable, with the demonstrators committing various unlawful acts.

2. Weak Coordination

Based on Regulation of the Chief of the Indonesian National Police Number 22 of 2010 concerning the Organizational Structure and Work Procedures at the Regional Police Level, various units have their respective functions. In the context of conflict anticipation, this is certainly the primary duty and function of the Directorate of Security Intelligence and Security (Ditintelkam). One of the duties of intelligence is to act as the "Eyes and Ears" of the Indonesian National Police (Polri), responsible for carrying out early detection and providing warnings of problems, developments, and changes in social life within the community.

The early detection system operating at the regional level will produce intelligence information obtained through a process of processing the collected information. This information is raw material. Some raw material meets and some does not meet the requirements for intelligence. Raw material that meets the requirements for intelligence is material related to security issues, has reliable sources, and is relevant to the problem being sought or needed. Intelligence, as processed information, is the final result or product of processing that is then conveyed to users to be used as material for developing plans and policies to be pursued and to enable decision-making. In this sense, intelligence also represents knowledge that needs to be acquired beforehand in order to determine steps with calculated risks. In other words, intelligence is necessary for making appropriate decisions in three aspects: planning, policy, and action (coverage of action).

However, in practice, when demonstrations occur, intelligence, as the eyes and ears of the police, appears to be late in coordinating with task forces on the ground, resulting in student actions that lead to riots not being prevented as early as possible. Intelligence should be the vanguard of the police, specifically the Mobile Brigade Corps (Brimob), taking the necessary steps to prevent demonstrators from escalating into riots. Had the early warning system been functioning optimally and the information provided accurate, it is highly likely that riotous actions by the demonstrators could have been prevented. This is what the author then concluded that coordination was not running well in the field. To overcome the actions of demonstrations

that have entered the category of riots, adequate personnel are needed, based on the results of the author's research that the number of personnel in the PHH Brimob unit is currently still considered insufficient as the results of the author's interview with Mr. I Nyoman Supartha Wirya Darma, Commander of the C Pioneer Battalion of the Bali Police Mobile Brigade, that currently the PHH unit is still short of personnel where currently one PHH unit company consists of 110 people to attend thousands of people and students who are holding demonstrations is certainly not balanced with that number, plus much of the equipment can no longer be used, ideally the PHH troops to overcome the riot actions carried out by the demonstrators is a count of 3 PHH troop companies so that they can be easily handled when there are actions by demonstrators that lead to riots.

Conclusion

1. The C Pioneer Battalion of the Indonesian National Police Mobile Brigade (Brimob) has the authority to handle riots or mass disturbances that have the potential to disrupt public order and security. This authority is based on the Police Law and the National Police Chief's Regulation on Riot Management (PHH). The C Pioneer Battalion is part of the Indonesian National Police Mobile Brigade Unit, tasked with managing social conflict, riots, and insurgency-related crimes. Brimob's authority in riot management is based on Law Number 2 of 2002 concerning the Indonesian National Police, which mandates Brimob to handle high-risk situations, including riots and civil unrest, and internal legal instruments such as Regulation of the Chief of the Indonesian National Police (Perkap) Number 1 of 2009 concerning the Use of Force in Police Actions.
2. The obstacles faced by the Mobile Brigade Corps of the Bali Regional Police in securing the simultaneous regional head elections in Jembrana Regency include the difficulty of the Police in estimating the number of demonstrators, the large number of demonstrators also

has the potential for anarchy, the ease with which social media can spread hoaxes, the lack of police personnel, and the easy explosion of psychological factors among demonstrators.

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