

Implementation of Human Rights Principles in Handling Demonstrations by the Bali Regional Police Brimob Unit

I Putu Eddy Irawan¹
Universitas Mahendradatta

Nurianto²
Universitas Mahendradatta

Siti Nurmawan Damanik³
Universitas Mahendradatta

Correspondence : I Putu Eddy Irawan (eddy0ir@gmail.com)

Abstract

The development of the strategic environment, accompanied by the rapid spread of globalization issues, has not only brought positive impacts on societal life but has also significantly affected the public security and order situation. Therefore, it is necessary to analyze the implementation of human rights principles in the handling of public demonstrations by the Mobile Brigade Unit (Satbrimob) of the Bali Regional Police. Demonstrations, as a form of public expression of opinion, are guaranteed under Article 28E of the 1945 Constitution of the Republic of Indonesia and Law Number 9 of 1998. However, in practice, demonstrations often pose potential disturbances to public order, thereby requiring intervention by security forces, particularly Satbrimobda Bali. This condition demands a balance between the state's duty to maintain security and its obligation to respect human rights. The research method employed is normative-empirical legal research using statutory, conceptual, and field study approaches. Data were collected through literature review and interviews with personnel of Satbrimobda Bali and relevant stakeholders, and subsequently analyzed qualitatively. Normatively, the handling of demonstrations by the police, including Satbrimobda Bali, has been conducted in accordance with applicable regulations, but it has not yet been fully optimal. Therefore, improvements are required in personnel capacity building, strengthening supervision and accountability mechanisms, as well as continuous training to ensure that human rights principles are consistently applied in every handling of demonstrations. These principles are regulated in various laws and regulations, including Law Number 2 of 2002 on the Indonesian National Police, the Regulation of the Chief of Police on Crowd Control, as well as national and international human rights provisions. The implementation of human rights principles—namely necessity, proportionality, and accountability—has fundamentally served as guidance for officers' actions in the field. Nevertheless, there remain challenges such as limited resources, the dynamic nature of crowd situations, and the potential for repressive actions by law enforcement personnel that may lead to human rights violations in the implementation of human rights principles by Satbrimobda Bali in handling public demonstrations.

Keywords : Human Rights, Public Demonstrations, Bali Regional Police Mobile Brigade (Satbrimobda Bali), Implementation, Policing.

Introduction

The Unitary State of the Republic of Indonesia was founded with the noble objectives stated in the Preamble to the 1945 Constitution of the Republic of Indonesia: to protect the entire Indonesian nation and its entire homeland, advance the general welfare, enhance the nation's intellectual development, and participate in establishing a world order based on independence, eternal peace, and social justice. These objectives emphasize that the state's role is not merely as a ruler, but also as a protector, guardian, and guarantor of the fundamental rights of its citizens. One of the fundamental rights guaranteed by the constitution is freedom of opinion and expression in public. This guarantee is 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." This right is further strengthened by Law Number 9 of 1998 concerning Freedom of Expression in Public, which provides a legal basis for every citizen to express their aspirations, criticisms, and opinions freely, responsibly, and in accordance with applicable law.

Freedom of expression in public is a crucial pillar of a democratic system. Through this mechanism, the public can actively participate in the process of oversight of government policies, channel political aspirations, and openly advocate for social and economic interests. Thus, the right to express an opinion is not only a form of individual freedom but also an instrument for strengthening public participation in state governance. However, in practice, freedom of expression often conflicts with other interests also protected by law, namely maintaining public order and security. Demonstrations, which are essentially a manifestation of freedom of expression, can cause security disturbances, traffic congestion, and even potential clashes between authorities and the public if not managed properly. This is where the role of the state, particularly the Indonesian National Police (Polri), becomes crucial in maintaining a balance between protecting human rights and the obligation to maintain public order and security.

The Indonesian National Police (Polri) is a state instrument that plays a crucial role in maintaining public order and security, enforcing the law, and providing protection, guidance, and services to the public, as stipulated in Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police. In the context of handling demonstrations, this primary duty is realized in the form of securing public activities expressing opinions in public to ensure that they continue to proceed in an orderly, safe, and legal manner. As a state instrument tasked with maintaining public security and order, enforcing the law, and providing protection and services to the public, the Indonesian National Police (Polri) has the authority to regulate and supervise the implementation of demonstrations. However, this authority must be exercised based on the principles of human rights (HAM) as stipulated in Law Number 39 of 1999 concerning Human Rights, namely the principles of legality, necessity, proportionality, and accountability. Therefore, every action by security forces in handling demonstrations must be legally, morally, and humanitarily accountable.

The dynamics of demonstrations in Indonesia are often marked by the potential for unrest, legal violations, and clashes between police officers. The Indonesian National Police (Polri), as a law enforcement institution, has a dual obligation: on the one hand, to protect the public's constitutional rights to express their opinions, and on the other, to maintain security and public order to prevent demonstrations from degenerating into anarchy. Empirical evidence shows that the handling of demonstrations in Indonesia often draws criticism, particularly regarding allegations of excessive use of force by police officers. Several cases, such as the handling of student protests against the Job Creation Law in 2020, labor demonstrations, and solidarity actions on political and human rights

issues, demonstrate the persistence of repressive practices that result in injuries and even fatalities. This raises serious questions about the consistency of the Indonesian National Police in implementing human rights principles.

Therefore, it is crucial to conduct an in-depth study of how human rights principles are implemented in the context of the right to freedom of expression in public, and how the balance between citizen freedom and the state's obligation to maintain security and public order can be achieved fairly and proportionally. This study is expected to provide theoretical and practical contributions in realizing the implementation of freedom of expression that is democratic, just, and in line with the goals of the Republic of Indonesia. The implementation of demonstrations is a concrete form of the implementation of human rights guaranteed by the 1945 Constitution of the Republic of Indonesia. The implementation of the Polri's duties in securing demonstrations is essentially an effort to maintain a balance between the public's right to express opinions and the state's obligation to maintain security and public order. Therefore, the Polri is required to always act professionally, proportionally, and humanely so that the implementation of demonstrations can take place peacefully, orderly, and without giving rise to human rights violations. In the context of a region such as Bali, which has socio-cultural and economic characteristics based on tourism, the implementation of demonstrations also requires a careful approach. The Polri, through the Bali Police Mobile Brigade Unit, is expected to be able to carry out its function to prevent potential escalation of conflict between the masses and the authorities. This approach is in line with the spirit of Polri reform which emphasizes the paradigm of human security and protection of human rights in every police action.

Based on the background description, the following problems are formulated:

1. How are human rights principles implemented in the Bali Police Mobile Brigade Unit's handling of demonstrations?
2. What obstacles and efforts does the Bali Police Mobile Brigade Unit make in balancing its duty to maintain security and public order with its obligation to respect human rights?

The research objectives in writing this scientific paper are as follows

1. To understand the implementation of human rights principles in the Bali Police Mobile Brigade Unit's handling of demonstrations.
2. To understand the obstacles and efforts made by the Bali Mobile Brigade Unit in balancing its duty to maintain security and public order with its obligation to respect human rights

Methods

This research uses a normative legal research method supported by empirical evidence. This method was chosen because the research aims not only to examine written legal norms governing the handling of demonstrations but also to examine their implementation and reality on the ground by police officers, particularly those of the Bali Mobile Brigade Corps (Satbrimobda).

The data sources used by researchers are divided into two, namely:

a. Primary Sources

Primary legal materials are the primary legal sources that have direct binding force and serve as the primary basis for legal research. These materials contain applicable legal rules or norms and are used to address the legal issues being researched. Primary legal materials are authoritative, meaning they have the authority or binding force of law, such as statutory regulations, court decisions, treaties, and so on

b. Secondary Sources

Secondary sources are sources that do not directly provide data to the data collector, for example through other people or documents. This research uses secondary data, including articles and books that specifically discuss the implementation of demonstration management and the application of human rights principles.

There are two main factors that influence the quality of research data: the quality of the research instrument and the quality of data collection. The quality of the research instrument relates to the validity and reliability of the instrument, while the quality of data collection relates to the accuracy of the methods used to collect the data.

a. Interview

In-depth interviews were conducted with informants who were considered to have direct knowledge of the Bali Police Mobile Brigade Corps' handling of the demonstrations. The primary informants in this study were the Commander of the C Pioneer Battalion, the Company Commander, and the Operational Section Officer at the Bali Police Mobile Brigade Corps.

b. Observation

Observation techniques are carried out by directly observing police procedures and practices in handling demonstrations

c. Documentation

Data collection is also carried out through documentation studies, namely reviewing various documents that are relevant to the research object

In this study, legal material analysis techniques are a crucial stage in legal research, processing and interpreting data or legal materials obtained from primary, secondary, and tertiary legal sources. The goal is to find answers to the problem formulation and draw scientifically justifiable legal conclusions. In normative-empirical legal research, such as in this thesis, legal material analysis is conducted qualitatively. This means that legal materials are not processed in numerical or statistical form, but rather are described and interpreted through systematic legal reasoning.

Qualitative analysis is conducted by examining the content of laws and regulations, doctrines, and interview results, then organizing them descriptively to understand the meaning of applicable legal norms and their implementation in the field. This approach is used to examine the extent to which the principles of necessity, proportionality, and accountability in human rights have been applied by the Bali Police Mobile Brigade Unit in handling demonstrations. A deductive approach is used to draw conclusions from general matters (legal theory and norms) to specific matters (enforcement practices in the field). For example, from the human rights principles in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials to the practice of using force by Brimob officers in Bali, an inductive pattern is used to draw conclusions from empirical facts (interview results or field observations) to form broader generalizations or legal theories. These two patterns are used complementary to produce a comprehensive analysis.

Results and Discussion

The handling of demonstrations by the Indonesian National Police (Polri) is part of their duty to maintain public security and order, which must be carried out professionally, meticulously, and based on human rights principles. Within the jurisdiction of the Bali Regional Police (Polda Bali), the mechanism for handling demonstrations is systematically developed, starting from the preparation stage, through field implementation, and through the analysis and evaluation (anev) phase, to ensure that all security measures are effective and respect the constitutional rights of citizens.

Empirically, the Mobile Brigade Unit (Satbrimob) of the Bali Regional Police is the primary implementing element within the Bali Regional Police, possessing specialized capabilities in handling high-intensity disturbances to public security and order (kamtibmas), including demonstrations that have the potential to disrupt public order. The deployment of Satbrimob personnel in this context is not arbitrary but must be based on legal regulations, official orders, and objective and proportional considerations of the security situation. The legal basis for deploying Brimob units, including those

within the Bali Regional Police, is regulated by various laws and regulations and internal Indonesian National Police policies.

The research instrument used in this study was a semi-structured interview guide. The interview guide was developed based on National Police Chief Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards, which covers understanding regulations, technical implementation, and obstacles encountered in practice. Semi-structured interviews are a data collection technique that uses the interview guide as the primary guideline, but the researcher still has the flexibility to develop follow-up questions to obtain more in-depth and comprehensive data in accordance with the research objectives. The use of semi-structured interviews in this study aims to gain a deeper understanding of the implementation of demonstration management in accordance with National Police Chief Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards.

In addition to semi-structured interviews, the researcher also conducted observations as a research instrument. Observations in this study were conducted directly at the Bali Police Mobile Brigade Unit in handling demonstrations. Observations focused on the early detection process, situation analysis, requests and approval for troop deployment, preparation of plans, implementation in the field, as well as evaluation and accountability

The type of observation used in this study was passive participant observation. Passive participant observation is a data collection technique in qualitative research used to obtain an empirical picture of the phenomenon being studied directly in the field.

Based on the results of observations and structured and semi-structured interviews, this study found that the handling of demonstrations by the Indonesian National Police (Polri) is part of the implementation of its duties to maintain public security and order, which must be carried out professionally, measurably, and based on human rights principles. Within the jurisdiction of the Bali Regional Police, the mechanisms for handling demonstrations are systematically developed, starting from the preparation stage, implementation in the field, and the analysis and evaluation (anev) stage, to ensure that every security measure is effective while respecting citizens' constitutional rights.

Furthermore, the interview results indicate that the implementation of human rights principles in handling demonstrations is an important indicator of professional, humane, and just police function. Although various regulations and guidelines have established the principles of legality, necessity, proportionality, and accountability, in practice, the application of human rights principles often faces various internal and external obstacles.

Internal factors originating from within the Indonesian National Police (Polri) institution directly influence the behavior and ability of members to apply human rights principles in the field. The level of knowledge and awareness of Polri members regarding human rights principles is a key factor in their implementation. External factors originating from the social and situational environment also

influence how officers apply human rights principles in the field, including the role of the media and public perception, community legal culture, policy support, and institutional oversight.

Conclusion

1. The Bali Police Mobile Brigade Unit (Brimob) has implemented security measures for demonstrations through predetermined stages, depending on the escalation of the situation. A humanistic and persuasive approach is prioritized over the use of physical force. However, this has not been fully optimized. Dynamic field conditions, limited understanding of human rights among some personnel, and limited non-lethal means have also impacted the implementation of human rights principles by the Bali Police Mobile Brigade Unit
2. Obstacles and Efforts of the Bali Police Mobile Brigade Unit in Balancing Security Duties and Respect for Human Rights include: Differing understanding and awareness of human rights among personnel, especially at the operational level. Situational and emotional pressure when facing aggressive or provocative crowds, which can lead to spontaneous overreactions. Limited non-lethal facilities and infrastructure. Pressure from public opinion and the media, especially social media, which often creates the perception that police actions are always repressive, even when they follow procedures. Unequal public legal awareness, including non-compliance with regulations on demonstration hours, routes, or notification to the police.
3. To overcome obstacles and strike a balance between security and respect for human rights, the Bali Police Mobile Brigade Unit has taken a number of steps, including: Regular human rights training and education for Brimob personnel. Implementation of a strict command and supervision system, including documentation of every use of force as a form of accountability. Strengthening non-lethal equipment to ensure crowd control can be carried out without excessive violence. A humanistic and persuasive approach, through direct communication with action coordinators before and during the activity. Legal outreach to the community, especially students and labor groups, so they understand the procedures for expressing opinions in accordance with the law. Periodic operational evaluations (After Action Review) to ensure any deficiencies can be immediately corrected. These efforts demonstrate the Bali Police Mobile Brigade Unit's commitment to maintaining security without neglecting the obligation to protect human rights.

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