

POLRI SECURITY INTELLIGENCE IN CONDUCTING SUPERVISION AND CONTROL OF FIREFLOWERS IN THE JURISDICTION OF THE BALI REGIONAL POLICE

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Abstract

The police aim to realize domestic security which includes maintaining public order and security, one of which is supervision of the circulation of explosives, including sparks. Sparks themselves are explosives in the form of powder packed in several layers of paper, and have a fuse to be ignited when using them. Since the Dutch era, there have been regulations in Law Number 143 of 1939 concerning Sparks, where there is a threat of three months imprisonment and a fine if they violate the provisions for making, selling, storing, transporting sparks that do not comply with manufacturing standards. The formulation of the problem of this research is 1. what are the authorities of the Bali regional police in implementing supervision and control of sparks? and 2. what are the legal consequences for perpetrators who misuse sparks? The research method used is a normative research type supported by empirical research. The results of this study The authority of the Republic of Indonesia National Police, contained in Law No. 2 of 2002 concerning the Republic of Indonesia Police, this authority is reinforced again in the Regulation of the Chief of the Republic of Indonesia Police No. 17 of 2017 concerning Licensing, Security, Supervision and Control of Commercial Explosives, specifically the authority is given to the Intelligence and Security of the Indonesian National Police. And the misuse of sparks has serious legal consequences, ranging from criminal sanctions to administrative sanctions.

Keywords: Supervision, Control, Sparks, Republic of Indonesia Police

Introduction

Police are matters relating to the functions and institutions of the police. The police aim to realize domestic security which includes maintaining public security and order, orderly and upholding the law, implementing protection, protection and service to the community, and fostering public peace by upholding human rights. The role of the police is considered to have a significant impact on maintaining security and order in a nation.

The position of society today with the increasingly advanced development of the era, has a major impact on the role of the police. With the amendment of the 1945 Constitution, the existence of the Republic of Indonesia National Police is contained in Article 30 paragraph (4)

which states that the Republic of Indonesia National Police as a state apparatus that maintains public security and order is tasked with protecting, serving, serving the community and enforcing the law.

According to Mr. J. Kist, the Police are part of the executive power tasked with protecting the state, the smooth running of government, its people and their rights against attacks and dangers with assistance and coercion. The police are legal institutions and live in a larger human community that can shape everything that the organization does, so the position of the police institution in a state organization becomes more important, because it will affect the implementation of the tasks and responsibilities assigned and the performance of the police institution. The role of the police institution in this case is a real form of the application of the authority given by the Constitution to the Police Institution.

Sparks are explosives in the form of powder that are packed in several layers of paper, and have a wick to be given fire in using them, the function of sparks is used to enliven various events, such as New Year's celebrations, Eid, marriages and so on. Sparks are low explosive explosives. The powder used as the contents of sparks is a chemical explosive that makes them explode under certain conditions. Sparks and various traditions that use explosives are very dangerous so that there are regulations related to Sparks because they are a criminal offense that can cause fires and can even result in death or can cause harm to goods or property and to the lives of others.

In Indonesia, sparks have become something that is commonly used for Eid and during the month of Ramadan. Sparks are prohibited items. Since the Dutch era, there have been regulations in Law Number 143 of 1939 concerning Fireworks 1939, which include the threat of three months imprisonment and a fine if they violate the provisions for making, selling, storing, transporting firework that does not comply with the manufacturing standards.

Regulations regarding sanctions, both imprisonment, life imprisonment, and even the death penalty are prepared to provide a deterrent effect to the community of makers, sellers and people

who light firework. Because, basically the materials for making firework are the same as explosives in general. However, firework is still a frightening problem for some people both during Ramadan and takbiran night, in addition, along with the development of the tourism sector in Bali, it has also begun to show an increase in the activities of business actors in the tourism sector to hold music shows, celebrations or parties at night entertainment venues, using firework as a means to enliven these activities.

Methods

Method is a process, principles and procedures for solving a problem, while research is a careful, diligent and thorough examination of a symptom to increase human knowledge, so the research method can be interpreted as a process of principles and procedures for solving problems faced in conducting research. The type of research used in this writing is a type of normative legal research supported by empirical research. In this study, the approach taken is a statutory approach and a conceptual approach which are then connected to what happens in society. The statute approach is carried out normatively.

Results and Discussion

The authority of the Bali regional police in implementing supervision and control of fireworks

Government agencies or officials or state administrators in carrying out government functions, both actions and decisions, must be based on applicable legal rules as a result of the determination of the State of Indonesia as a State of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution that "The State of Indonesia is a State of Law" meaning that everything related to the life of society, nation and state is regulated by law. The consequence of the determination of the State of Indonesia as a State of Law is that all government actions including police actions in destroying sopi must be based on legal rules. A state of law according to F.R Bothlingk is "De taat waarin de wilsvrijheid van gezagsdragers is beperkt door grenzen van

recht" (a state where the freedom of the will of the holder of power is limited by a legal will). It is further stated that in order to realize the limitation of the holder of power, it is realized in the following way, "Enerzijds in een binding van rechter administratie aan de wet, anderzijds in een binding van de bevoegdheden van wetgever", (on the one hand the binding of judges and the government to the law, and on the other hand the limitation of authority by the legislators).

According to R. Djokosutomo, a state of law is the sovereignty of applicable law, the state itself as a legal subject can also be sued in court for being considered to have violated the law. Meanwhile, according to A Hamid S Attamimi, citing Burkens, he said that a state of law "rechstaat" is simply a state that places law as the basis for state power and the implementation of such power in all its forms is carried out under the authority of law. In simple terms, a state of law is a state that places law as the basis for the implementation of government. In other words, the implementation of state government is carried out based on law. Law is formed in a set of laws and regulations. Article 1 of the Law on the National Police of the Republic of Indonesia stipulates that the National Police of the Republic of Indonesia is all matters relating to the functions and institutions of the police in accordance with laws and regulations. Article 2 of the Law on the National Police of the Republic of Indonesia stipulates that the function of the National Police of the Republic of Indonesia is one of the functions of the State government in the field of maintaining public security and order, law enforcement, protection, protection, and service to the community. From the provisions in the article above, the police as one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, protection and service to the community.

Article 13 of Law No. 2 of 2002 stipulates the main duties of the National Police of the Republic of Indonesia, as:

- a. maintaining public security and order;
- b. enforcing the law; and
- c. providing protection, protection, and service to the community.

Article 14 of Law No. 2 of 2002 stipulates that:

- 1) In carrying out the main duties as referred to in Article 13, the National Police of the Republic of Indonesia is tasked with:
 - a. carrying out regulation, guarding, escorting, and patrolling community and government activities as needed;
 - b. rganize all activities to ensure security, order, and smooth traffic on the road;
 - c. foster the community to increase community participation, public legal awareness and community obedience to laws and regulations;
 - d. participate in national legal development;
 - e. maintain order and ensure public security; . coordinate, supervise, and provide technical guidance to special police, civil servant investigators, and forms of self-protection;
 - f. conduct investigations and inquiries into all criminal acts in accordance with criminal procedure law and other laws and regulations;
 - g. organize police identification, police medicine, forensic laboratories and police psychology for the benefit of police duties;
 - h. protect the safety of body and soul, property, the community, and the environment from disturbances of order and/or disasters including providing assistance and assistance by upholding human rights;
 - i. serve the interests of the community temporarily before being handled by authorized agencies and/or parties;
 - j. provide services to the community in accordance with their interests within the scope of police duties; and carry out other duties in accordance with laws and regulations.

2) The procedures for implementing the provisions as referred to in paragraph (1) letter f are further regulated by Government Regulation. In addition to the main duties of the Republic of Indonesia National Police as mentioned in Articles 13 and 14, Article 15 of Law No. 2 of 2002 regulates the implementation of general police duties :

1) In order to carry out the duties as referred to in Articles 13 and 14, the Indonesian National Police in general has the authority to:

- a. receive reports and/or complaints;
- b. assist in resolving disputes between members of the public that may disrupt public order;
- c. prevent and overcome the growth of social ills;
- d. supervise movements that may cause division or threaten national unity;
- e. issue police regulations within the scope of the police's administrative authority;
- f. carry out special investigations as part of police actions in the context of prevention;
- g. take first action at the scene;
- h. take fingerprints and other identification and photograph a person;
- i. seek information and evidence;
- j. organize the National Criminal Information Center;
- k. issue permits and/or certificates required for public service;
- l. provide security assistance in trials and the implementation of court decisions, activities of other agencies, and community activities;
- m. receive and temporarily store found items.

2) The Indonesian National Police in accordance with other laws and regulations has the authority to:

- a. organize registration and identification of motor vehicles;
- b. issue driving licenses for motor vehicles;
- c. receive notifications about political activities;
- d. issue permits and supervise firearms, explosives, and sharp weapons;
- e. issue operational permits and supervise business entities in the field of security services;
- f. provide guidance, educate, and train special police officers and voluntary security officers in the field of police techniques;

- g. cooperate with police forces of other countries in investigating and eradicating international crimes;
 - h. carry out functional police supervision of foreigners in the territory of Indonesia in coordination with related agencies;
 - i. represent the government of the Republic of Indonesia in international police organizations;
 - j. carry out other authorities included in the scope of police duties.
- 2) The procedures for implementing the provisions as referred to in paragraph (2) letters a and d are further regulated by Government Regulation. In addition to the main tasks and general tasks in Article 16 of Law No. 2 of 2002, it also regulates the duties of the Police in the criminal field:
- 3) In order to carry out the duties as referred to in Articles 13 and 14 in the field of criminal proceedings, the Republic of Indonesia National Police has the authority to:
- a) make arrests, detentions, searches, and confiscations;
 - b) prohibit anyone from leaving or entering the scene of the crime for the purposes of investigation;
 - c) bring and present people to investigators for the purposes of investigation;
 - d) order people who are suspected to stop and ask for and check their identification;
 - e) conduct examinations and confiscate documents;
 - f) summon people to be heard and examined as suspects or witnesses;
 - g) bring in experts needed in connection with the examination of the case;
 - h) terminate the investigation;
 - i) submit case files to the public prosecutor;
 - j) submit a direct request to the authorized immigration official at the immigration checkpoint in urgent or sudden circumstances to prevent or deter people suspected of committing a crime;

- k) provide guidance and assistance in investigations to civil servant investigators and receive the results of civil servant investigator investigations to be submitted to the public prosecutor; and
- l) Take other actions according to the law that are responsible. Tindakan lain sebagaimana dimaksud dalam ayat (1) huruf l adalah tindakan penyelidikan dan penyidikan yang dilaksanakan jika memenuhi syarat sebagai berikut :
 - a. not contrary to a rule of law;
 - b. in accordance with the legal obligation that requires the action to be taken;
 - c. must be appropriate, reasonable, and within the scope of his/her position;
 - d. reasonable consideration based on compelling circumstances; and
 - e. respect human rights.

In addition, Article 17 of Law No. 2 of 2002 also stipulates that the Indonesian National Police Officers carry out their duties and authorities throughout the territory of the Republic of Indonesia, especially in the jurisdiction of the officer concerned in accordance with the laws and regulations.

Furthermore, Article 18 of Law No. 2 of 2002 also regulates authority in the public interest:

- 1) In the public interest, the Indonesian National Police Officers in carrying out their duties and authorities may act according to their own judgment.
- 2) Implementation of the provisions as referred to in paragraph (1) may only be carried out in circumstances that are very necessary by paying attention to laws and regulations, as well as the Indonesian National Police Professional Code of Ethics.

In addition to regulating authority in the public interest, Article 19 of Law No. 2 of 2002 also regulates the duties and authorities of the Police based on legal norms:

- 1) In carrying out their duties and authorities, the Indonesian National Police Officers always act based on legal norms and respect religious norms, decency, morality, and uphold human rights.

- 2) In carrying out the duties and authorities as referred to in paragraph (1), the Republic of Indonesia National Police prioritizes preventive measures.

According to the provisions in Article 13 to Article 19 of Law No. 2 of 2002, it is shown that the main task of the Indonesian National Police is to maintain security, order, enforce the law, provide protection, shelter and service to the community and carry out regulation, guarding, escorting, patrolling community activities. The police in carrying out their duties and authorities throughout the territory of the Republic of Indonesia in the regions must comply with laws and regulations and professional codes of ethics and always act based on legal norms and respect religious norms, decency, morality, and uphold human rights and as intended that the Indonesian National Police prioritizes preventive measures.

Regulation of the Head of the Indonesian National Police Number 17 of 2017 concerning Licensing, Security, Supervision and Control of Commercial Explosives in the section considering determines that commercial explosives are dangerous goods needed to support national development, so they must be secured, supervised and controlled starting from the licensing process, procurement, transportation, storage, use, to destruction.

In relation to Sparks, Article 20 of Regulation of the Chief of Police No. 17 of 2017 concerning Licensing, Security, Supervision and Control of Commercial Explosives regulates licensing, and Article 20 letter e stipulates that to obtain a permit for the production of Sparks, an application must be submitted to the Regional Police Chief through the Director of Security Intelligence of the Regional Police. The issuance of the permit according to the provisions of Article 21 is signed by the Head of the National Police Intelligence and Security Agency on behalf of the Chief of Police.

According to Ida Bagus Nyoman Asmara Jaya, P.S Panit 2 SUBDIT IV Ditintelkam Polda Bali, that based on the regulations as referred to it appears that Licensing, Security, Supervision and Control of Sparks are the authority of the police. Permits for the use of sparks that have an explosive effect containing more than 20 (twenty) grams of gunpowder and/or a diameter of

more than 2 (two) inches by a professional business entity in the field of Sparks, submit a recommendation application to the Regional Police Chief through the Director of Security Intelligence of the Regional Police; and submit a permit application to the Chief of Police at the direction of the Chief of Police. Head of the Intelligence and Security Agency (“Kabaintelkam”) of the Indonesian National Police, by attaching: recommendation from the Head of the Regional Police. The security of fireworks as regulated in Article 44 paragraph 3 states that the security of commercial explosives in the process as referred to in paragraph (1) is carried out by Indonesian National Police officers from the security intelligence function and producers or importers or distributors or end users of Commercial Explosions and/or Fireworks. Then Article 44 paragraph (4) determines that security is assisted by the Gegana Troops of the Indonesian National Police Mobile Brigade Corps/Gegana Detachment of the Regional Police Mobile Brigade Unit and other police functions according to needs. Likewise, the Supervision and Control of Fireworks is regulated in Perkap No. 17 of 2012 in Part VI concerning Supervision and Control starting from Article 68 - Article 72.

Thus, based on the analysis that the author has studied which is based on various provisions of laws and regulations, it shows the Authority of the Indonesian National Police, contained in Law No. 2 of 2002 concerning the Indonesian National Police, including in Article 15 paragraph (2) letter E, where the Indonesian National Police in accordance with other laws and regulations has the authority "that the authority is not given to the police where the Indonesian National Police in accordance with other laws and regulations has the authority "To grant permits and carry out supervision of firearms, explosives, and sharp weapons". And this authority is reinforced again in the Regulation of the Chief of the Indonesian National Police No. 17 of 2017 concerning Licensing, Security, Supervision and Control of Commercial Explosives, specifically this authority is given to the Police Intelligence and Security.

Legal Consequences for Perpetrators Who Misuse Sparks

According to Ida Bagus Nyoman Asmara Jaya, P.S Panit 2 SUBDIT IV Ditintelkam Polda Bali, that the act of misusing explosives in the form of fireworks is a violation which is an illegal act because its ownership is without permission from the authorities. Various regions have taken steps to prohibit the use of firecrackers in the context of celebrating Eid, the new year which is usually celebrated by the community. This step was taken because the use of firecrackers not only disturbs public order, but also has the potential for serious danger to mutual safety.

As is known, Indonesian society, in general, when approaching Eid or New Year, many people light firecrackers, so that the circulation of firecrackers during these times is very rampant. The sound of fireworks is very disturbing to the entire community, not only disturbing public order, there are also dangers that are often overlooked. However, this does not seem to prevent traders and producers from continuing to operate, even though sellers and producers of fireworks have been banned, but the police's appeal does not seem to be an obstacle, but it continues to run secretly. This has the potential to disturb public order and security.

The above conditions also occur in the jurisdiction of the Bali Police, where during the month of Ramadan until Eid or when approaching the new year, there are many fireworks circulating. According to Irwan Wira Kusuma, BANIT 2 SUBDIT IV Ditintekam Polda Bali, there are several factors that cause the misuse of explosives (in the form of firecrackers), namely:

1. Religious factors

Some religious celebration activities such as celebrating the night of takbir, and ngabuburit waiting for the time to break the fast for Muslims, are usually accompanied by the activities of residents lighting firecrackers.

2. Economic factors

Firecrackers are often a source of additional income for some Balinese people, especially before the fasting month and New Year. The high demand for firecrackers at these times makes many people produce firecrackers and many people sell them. Cultural factors

The Balinese people, whose population is multi-religious, generally have a special activity carried out during the month of Ramadan, where people, while waiting for the time to break the fast, usually travel or walk around to look for food while lighting firecrackers to enliven the situation. In addition, on New Year's Eve or other religious holidays, it seems to have become a culture and is supported by the Bali area as a world tourist destination.

Misuse of fireworks, such as the use of firecrackers without permission and in large quantities, can result in various legal consequences, including criminal sanctions and fines. The threat of punishment can vary depending on the offense committed, such as an act that causes a fire or explosion, which can subject the perpetrator to a prison sentence of up to 9 years.

Regarding the legal consequences of misuse of sparks as stated by I Putu Indra Sukma Putra, Pamin 2 Siyanmin Ditintelkam Polda Bali, as follows:

a. Based on Emergency Law No. 12 of 1951

Article 1 paragraph 1 of Emergency Law Number 12 of 1951 stipulates: "Anyone who intentionally imports into Indonesia, uses, carries, stores, and makes explosives shall be subject to the death penalty, life imprisonment, and a maximum of 20 years. Article 1 paragraph 1 of this Law regulates the use, storage, and manufacture of explosives, including firecrackers. The possible penalties are the death penalty, life imprisonment, or a maximum of 20 years in prison, depending on the severity of the violation.

b. Article 308 of the Criminal Code:

If the act of lighting firecrackers results in a fire, explosion, or flood and poses a public safety hazard to people or goods, the perpetrator may be subject to criminal sanctions with a maximum imprisonment of 9 years. Looking at Article 308, it is stated that anyone who causes a fire, explosion or flood will be subject to a maximum imprisonment of 9 years, if the act

causes a public safety hazard to people or goods. Then a maximum imprisonment of 12 years, if the act causes serious injury to others.

c. Article 187 of the Criminal Code:

This article regulates acts that intentionally cause fires, explosions, or floods that endanger public safety. The perpetrator can be subject to life imprisonment or temporary imprisonment for a maximum of 20 years, depending on the severity of the violation.

d. Article 274 of Law 1 of 2023: Concerning the Criminal Code

This article regulates licensing for activities involving explosives, such as fireworks. If the activity is carried out without permission from the chief of police or a designated official, the perpetrator can be subject to a criminal fine of up to IDR 375 thousand.

e. Regulation of the Chief of Police Number 17 of 2017:

This regulation regulates licensing, security, supervision, and control of explosives, including firecrackers. Violations of this regulation can be subject to criminal sanctions with a penalty of up to 12 years in prison.

In addition to criminal sanctions, misuse of fireworks can also result in administrative sanctions, such as: (a) Revocation of permits: If activities involving explosives are carried out without a permit or violate the provisions of the permit granted, the permit can be revoked.; (b). Withdrawal or termination activities: If the activity is considered to endanger safety and security, the activity can be withdrawn or stopped. And (c) Freezing of assets: In certain cases, assets used for the misuse of fireworks can be frozen.

The use of firecrackers and fireworks that does not comply with the rules can endanger oneself and others, and can cause environmental damage. Lighting firecrackers and fireworks can also be considered wasteful and not in accordance with religious teachings. The public is expected not to misuse fireworks and always follow the applicable regulations.

Conclusion

Based on the previous description, the following conclusions can be drawn:

1. The authority of the Indonesian National Police, contained in Law No. 2 of 2002 concerning the Indonesian National Police, including in Article 15 paragraph (2) letter E, where the Indonesian National Police in accordance with other laws and regulations has the authority "that the authority is not given to the police where the Indonesian National Police in accordance with other laws and regulations has the authority "to issue permits and carry out supervision of firearms, explosives, and sharp weapons". And this authority is reinforced again in the Regulation of the Chief of the Indonesian National Police No. 17 of 2017 concerning Licensing, Security, Supervision and Control of Commercial Explosives, specifically this authority is given to the Police Intelligence and Security.
2. Misuse of sparks has serious legal consequences, ranging from criminal sanctions to administrative sanctions. Therefore, the public is expected to always comply with the applicable rules and regulations, and be careful in using explosives to avoid unwanted risks.

References

Book :

- A. Hamid S. Attamimi, 1992, "*Teori perundang-undangan Indonesia*", makalah pada Pidato Upacara pengukuhan Guru Besar tetap di Fakultas Hukum UI, Jakarta.
- Ridwan HR, 2018, *Hukum Administrasi Negara*, Rajawali Press, Edisi Revisi.
- Sadjijono, 2008, *Hukum Kepolisian Polri Dan Good Governance*, Laksbang Mediatama, Surabaya.
- Sri Mulanto dan Bowo, 2007, *Kumpulan Undang-Undang Sistem Peradilan Pidana*, Andi Offset, Yogyakarta.
- Warsito Hadi Utomo, 2005, *Hukum Kepolisian Di Indonesia*, Prestasi Pustaka, Jakarta.

INTERNET

- Anonim, Pengertian Negara Hukum Menurut Para ahli,
<https://tesishukum.com/pengertiannegara-hukum-menurut-para-ahli>.

Muhammad Sidik, Penegakan Hukum Tindak Pidana Penyalahgunaan Bunga Api Dan Petasan
Di Wilayah Hukum Polres Banjar, <https://eprints.uniska-bjm.ac.id/3149/1/muhammad%20sidik%20artikel%20PDF.pdf>.

Law :

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Kitab Undang-Undang Hukum Pidana

Undang-Undang No. 12 Tahun 1951 tentang Senjata Api

Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Republik Indonesia.

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