

Legal Analysis of Violent Acts by Police Officers in Handling Demonstrations in the South Labuhan Batu Jurisdiction

Raditya Firmansyah¹, Sriono^{2*}, Wahyu Simon Tampubolon³, Indra Kumalsari M⁴

^{1,2,3} Faculty of Law, University of Labuhan Batu, Indonesia

*Corresponding Author:

Email: Sriono.mkn@gmail.com

Abstract.

The present study reports the first comprehensive study on the freshwater macroinvertebrates and its habitat preferences in Bilah River, the largest river in the Northern Sumatra. The riverside is characterized by the presence of anthropogenic and industrial activities which may alter the macroinvertebrate assemblage and biodiversity. Five months of investigation on 10 sampling stations from December 2016 to October 2017 was conducted based on the river flow in Bilah River. Principal component analysis indicated a decrease in trophic status from upstream to downstream of the river. A total of 27 taxa were recorded, with the most abundant group were members of Odonata, Gastropoda, and Decapoda. The highest density of macroinvertebrate was observed from station 1 (160 ind m⁻²), while the lowest density was observed from station 9 (38.64 ind m⁻²). Based on species distribution and similarity, two groups of habitats may be distinctively recognized based on the Bray-curtis similarity coefficient. Group 1 consisted of station 1, 2, 3 and 4 while group 2 consisted of station 5, 6, 7, 8, 9, and 10. Based on the diversity indices as ecological parameters, the habitat condition in Bilah River is categorized from low to moderately polluted. Spatial patterns in both environmental conditions affecting the macroinvertebrate assemblage was observed using canonical correspondence analysis (CCA) revealed the preferences from each macroinvertebrate species towards environmental conditions.

Keywords: *Bivalvia, bray-curtis; canonical correspondence analysis; density and gastropoda.*

I. INTRODUCTION

Demonstrations are a form of freedom of expression guaranteed by Article 28E paragraph (3) of the 1945 Constitution and Article 25 of Law Number 39 of 1999 concerning Human Rights. In practice, demonstrations often cause friction between demonstrators and the authorities, which sometimes results in repressive actions. This phenomenon has become a legal and social problem because the Indonesian National Police, as a state apparatus, is obliged to enforce the law, provide services, and protect the human rights of the people. A number of cases, such as beatings, the use of tear gas without proper procedures, arbitrary arrests, and the shooting of rubber bullets, indicate violations of standard operating procedures (SOP) and legal provisions. Regulation of the Chief of Staff No. 1 of 2009 regulates guidelines for the use of force in police actions by the Indonesian National Police, covering 6 stages from early prevention (verbal warnings, hand-to-hand control) to the use of firearms as a last resort, with the aim of protecting the community, maintaining order, and enforcing the law in a proportional, measured manner, and in accordance with Human Rights, replacing the old regulation (Perkap 6/2005), has clearly regulated the principles of the use of force: legality, necessity, proportionality, prevention, and accountability. Demonstrations are part of the dynamics of democracy and are one of the main instruments for conveying aspirations, criticism, and protests against government policies.

The Indonesian Constitution, through Article 28E paragraph (3) of the 1945 Constitution, expressly guarantees the freedom of every person to express their opinions in public. This provision is reinforced by Law Number 9 of 1998 concerning Freedom of Expression in Public and various other human rights instruments. Therefore, demonstrations must be viewed as legal, legitimate, and protected by the state. On the other hand, the Indonesian National Police (Polri), as law enforcement officers, have an obligation to maintain public order, ensure demonstrations proceed safely, and prevent disturbances to public safety. This authority is regulated in detail in Law Number 2 of 2002 concerning the Indonesian National Police. However, in practice, securing demonstrations often raises serious issues, particularly when police use excessive force or violate procedures. According to various reports from civil society organizations and the

National Commission on Violence Against Women Human rights Violent actions by officers in handling demonstrations still occur frequently, such as beatings of demonstrators, disproportionate use of tear gas, indiscriminate use of water cannons, and arbitrary arrests. These cases demonstrate the gap between normative provisions and implementation in the field.

In fact, National Police Regulation Number 1 of 2009 concerning the Use of Force provides strict limits regarding the procedures and principles of the use of force by officers: legality, necessity, proportionality, prevention, and accountability. The phenomenon of violence by officers during demonstrations not only constitutes a violation of the law but also erodes public trust in the Indonesian National Police (Polri). In the context of a state governed by the rule of law, acts of violence by officers that violate legal provisions can be categorized as abuse of authority and can result in criminal, civil, and ethical liability. Law Number 1 of 2023 concerning the Criminal Code is a major codification of criminal regulations that replaces the old colonial criminal code. The 2023 Criminal Code contains new provisions that, during the transition period, could trigger public debate or protests, including criticism of certain criminal provisions that could potentially involve authorities in crowd control. Academic studies that comprehensively discuss the legal basis, field practices, and accountability for violent actions by officers in handling demonstrations are very necessary. This research is important to provide a comprehensive picture of the extent to which legal regulations have been implemented and how oversight mechanisms can be improved to minimize acts of violence.

Based on this background, this research aims to:

1. Analyzing the legal basis for police authority in securing demonstrations.
2. Assess the legal responsibility of officers in the event of a violation of the principles of the use of force.

Thus, this research is expected to provide academic and practical contributions to legal development, increasing police accountability, and protecting human rights in Indonesia.

II. METHODS

This research uses a normative juridical method. The approaches used are:

1. **Legislative Approach:** Analyzing Law Number 2 of 2002 concerning the Police, Law Number 9 of 1998, the Criminal Code, and the Police Professional Code of Ethics.
2. **Conceptual Approach:** Examining the concept of use of force, police brutality, and human rights-based policing. Data obtained from literature studies on laws and regulations, court decisions, and National Commission reports. Human rights, and related scientific literature.

III. RESULTS AND DISCUSSION

1. Legal Basis for Police Authority in Handling Demonstrations

The Indonesian National Police has the authority to maintain public security and order as regulated in Articles 13 and 14 of Law No. 2 of 2002 concerning the Indonesian National Police. In handling demonstrations, the police have the authority to: provide security, prevent criminal acts, and carry out police actions in the form of using force in accordance with regulations.

Regulation of the Chief of Staff No. 1 of 2009 emphasizes that the use of force must go through the following stages:

1. Police presence (presence),
2. Verbal commands,
3. Soft empty hand control,
4. Hard bare hand control,
5. Control with tools (batons, tear gas),
6. Deadly force as a last resort.

Every action must take into account the principles of legality, necessity, proportionality and accountability.

2. Forms of Violence by the Authorities in Handling Demonstrations

Based on literature reviews and cases in Indonesia, forms of violence by officers include: Physical violence: beatings, pushing, rubber bullets, and water cannons outside of established procedures. Psychological violence: verbal intimidation, threats, and insults. Abuse of authority: arbitrary arrests and detention without legal basis. Structural violence: the use of heavily armed forces and a lack of transparency in standard operating procedures. Many actions occur due to the command and control function not working and the lack of understanding of human rights by the authorities.

3. Legal Analysis of Violent Actions by the Authorities

a. State Administrative Law Perspective

Violent acts that exceed the limits can be categorized as unlawful acts by government officials (onrechtmatige overheidsdaad)

The consequences:

- Administrative responsibilities,
- Inspection by Propam,
- Disciplinary sanctions or code of ethics.

b. Criminal Law Perspective

Officers who commit violence can be charged with:

- Article 170 of the Criminal Code (Anyone who openly and with joint force uses violence against people or property, shall be subject to a maximum prison sentence of five years and six months)
- Article 351 of the Criminal Code (This article regulates acts of abuse against other people, namely an act that intentionally causes physical pain, injury, or suffering),
- Article 422 of the Criminal Code (Regarding abuse of power by officials who force someone.),
- Article 52 of the Criminal Code (In the event that an official commits a crime by abusing power, opportunity or means due to his position, then the punishment shall be added).

The use of force can be justified if it meets the requirements of self-defense (noodweer) or a legitimate official order. Otherwise, officers can be held criminally liable.

c. Human Rights Perspective

Law No. 39 of 1999 concerning Human Rights guarantees the right to be free from:

- torture,
- inhumane treatment,
- unnecessary violence.

Violations may result in:

- recommendations of the National Commission on Human Rights.
- mediation,
- investigation of human rights violations.
- heavy if the systematic and extensive elements are met.

Available accountability mechanisms include:

1. **Internal Discipline:** Through the Indonesian National Police's Propam (Profession and Security).
2. **Criminal:** Reporting to the Criminal Investigation Unit and prosecution based on the articles on assault (KUHP).
3. **Civil:** Compensation suit.
4. **External Supervision:** By the National Commission Human rights and the National Police Commission (Kopolnas).

However, in practice, internal mechanisms are often considered a cover-up, the criminal law process is slow, and the sanctions given are not commensurate with the violations committed. Vertical accountability (to superiors) is more dominant than horizontal accountability (to the public)

Case Study: Student Protest in Labusel (October 13, 2025)

Case Facts

On October 13, 2025, dozens of students who were members of *South Labuhanbatu Student and Youth Movement (GEMPA)* held a demonstration in front of the South Labuhanbatu Regency Education Office, in Sosopan Village, Kotapinang District, Labusel. This demonstration was held to demand that the prosecutor's office investigate officials related to alleged corruption in education funds. The protesters carried posters and held their demands peacefully and took place in a public area. There were no widespread reports of violence by officers against protesters in Labusel during the demonstration. However, to maintain order, local police were present to provide security and to monitor the protest to ensure it remains peaceful. These security measures are aimed at preventing anarchic actions and protecting the protesters' rights to express their aspirations.

Even in that case example the police were not reported to have committed any direct acts of violence, the situation in Labusel remains relevant to analyze in the context of:

- a. Principles of humanistic demonstration security according to the police (referring to the Police Chief Regulation regarding the use of proportional force).
- b. Protection of the right to express opinions in public which is guaranteed by the constitution and law.
- c. Its relevance to the dynamics of action in other regions, where authorities sometimes use a repressive approach (e.g., the 2024–2025 wave of national actions which showed a pattern of violence by authorities).

IV. CONCLUSION

Violence by police officers in handling demonstrations constitutes a serious legal issue because it involves violations of the principles of the use of force, official authority, and human rights. Analysis shows that violence occurs due to low compliance with standard operating procedures (SOPs), weak oversight, and minimal human rights training. Legally, officers can be held accountable for administrative, criminal, and ethical violations if their actions exceed their authority. Therefore, structural and cultural reforms within the Indonesian National Police (Polri), increased professionalism, and strengthened accountability mechanisms are needed to ensure that demonstrations are handled in accordance with legal standards and human rights.

REFERENCES

- [1] Akbar, Rafli Arifian, M Rendi Aridhayandi, and Hidayat Rumatiga. "Legal Analysis of the Function of the Bogor City Police Samapta in Implementing Demonstration Control" 4 (2025): 1910–24.
- [2] Buldani, Muhammad Nahid. "A Study of Criminal Law and Human Rights Regarding Violence by Officials During Demonstrations" 6, no. 3 (2025): 2054–64.
- [3] Buulolo, Deniati, Student of the Study Program, and Law Studies. "Judges' Considerations in Criminal Decisions for Perpetrators of Illegal Fishing Crimes in the Zone Area" 2, no. 1 (2023): 1–11.
- [4] Demonstration, Action. "1,2,3,4," 2025, 12–24.
- [5] "Faculty of Law, Muslim University of Indonesia, Indonesia" 1, no. 1 (2012): 11–20.
- [6] Indriyanto, Dedy. "Anarchist Demonstrations: Analysis of Factors and the Role of the Police in Response" IX, no. 2 (2023): 449–66.
- [7] Magelang, Muhammadiyah University. "Legal Protection for Officials in Securing Demonstrations That Result in Riots," 2020.
- [8] No., Vol., July December, Students According to, Legal Perspective, and Human Rights. "Violent Behavior of Police Officers in Demonstrations" 2, no. 1 (2024): 397–405. <https://doi.org/10.36355/jppd.v2i1.15.6>.
- [9] No., Vol., and July September. "Legal Analysis of Human Rights Protection Against Repressive Actions by Apparatus in Student Demonstrations at the DPR Building" 1, no. 4 (2025): 524–34.
- [10] Pakpahan, Fanny Grisella, Intan Stella, Oktayani Nadeak, and Puji Novitri Siagian. "Students' Views on Security Force Violence on Campus — Law Enforcement or Silence?," 2022, 84–94.
- [11] Priyantoko, Guntur, Regional Police, and North Sumatra. "The Implementation of Police Discretion in Handling Demonstrations" I, no. 9 (nd): 109–36.
- [12] Ramadhani, Elyyira Aulia, Faculty of Law, Udayana University, Tania Novelin, Faculty of Law, and Udayana University. "Violence in Demonstrations" 15, no. 2 (2025).
- [13] Study, Program, Criminal Law, Faculty of Sharia, AND Law, Islamic University, and Syarif State University. Violent Crimes Against Demonstrations Carried Out by Police Officers in a Legal Study, 2021.

- [14] Susanto, Yokki, and Hudi Yusuf. “Violations of the Code of Professional Ethics by Police Officers Who Commit Violence Against Demonstrators” 2, no. 6 (2025): 196–203.
- [15] Wibawa, Ryan Sukma. “The Legal Power of Police Repressive Actions in Demonstrations That Result in Riots” 1, no. 2 (2023): 940–53.
- [16] Jurisprudence, Analysis, Law Enforcement, Criminal Acts, Faculty of Law, and Hang Tuah University. “Fishing by Indonesian Navy Investigator Deny Ardhana” 7, no. 1 (2024): 356–72.