ANALYSIS OF THE FACTORS CONTRIBUTING TO “PEACEKEEPING ON THE SPOT” BY POLICE PERSONNEL AND THE COMMUNITY*

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Abstract

Laws are created to provide benefits and ensure safety, such as for motorists and drivers, as stipulated in Law Number 22 of 2009 concerning Road Traffic and Transportation by the State. This regulation has established an Indonesian National Standard for vehicles, especially motorized ones. However, in the city of Malang, there are still many cases of motorbike raids that do not comply with the regulations, resulting in frequent zebra operations and on-the-spot settlements of fine cases. In this study, empirical juridical methods were used, including interview and observation techniques. It was found that one of the factors contributing to the occurrence of these violations is the lack of public awareness regarding peaceful arrangements in places. The study aims to provide a perspective that such violations constitute criminal acts and are subject to sanctions under Article 378 and Article 415 of the Criminal Code, as well as Article 8 of Law Number 20 of 2001, which concerns amendments to Law Number 31 of 1999 concerning the eradication of corruption. Therefore, one of the preventive measures to reduce such violations is to raise awareness among the public that these actions are criminal acts, including corruption.

Keywords: Extortion; Community; Police.

INTRODUCTION

Law plays a significant role in social life, as reflected in the legal maxim "ubi societas ibi ius," meaning where there is society, there is the law. (Badriyah, 2016) The existence of law in society is inseparable and serves as a form of social control. Social control refers to the supervision exerted by individuals or groups as part of society to create a conducive environment. (Sudharma Putra, 2018) The community also plays a crucial role in controlling the behavior of individuals in the surrounding community. When the law is upheld, a safe and peaceful environment can be established.

Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia establishes Indonesia as a nation governed by the rule of law, implying that all aspects of social life must be regulated by law to ensure compliance among citizens. The primary objective of laws is to provide legal certainty and protection for individuals at every level of society concerning actions taken by the state (Ilmania et al., 2022). In Indonesia, laws are developed in the form of written and unwritten constitutions, and one example of written legislation that must be implemented by all segments of society pertains to traffic regulations.

Traffic accidents are a critical issue worldwide, affecting both developed and developing countries. According to data

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from the 1990 World Report, traffic accidents resulted in 15 million casualties globally, with 40,000 in Indonesia alone (Supiyono, 2018). In the Kepanjeng-Sumber Pucung area, the Malang City Police (Polresta Malang) have identified that most accidents occur at point 12+100km, based on accident data from 2023. An accident is defined as a situation where a moving vehicle, with or without other road users, results in harm to other individuals (Article 1, Paragraph (24) of Law Number 22 of 2009 concerning Road Traffic and Transportation).

The application of the principle of recklessness in regulating traffic law must promote benefits and justice for the entire community. Recklessness is characterized as a dangerous behavior that can cause harm and accidents to other road users (Mulyono, 2023). Several factors contribute to accidents, including human error, weather conditions, vehicle and road conditions, and traffic violations (Asep Supriadi, 2021).

The responsibility for addressing traffic violations falls under the purview of police officers, who are obligated to enforce the relevant traffic regulations. One of their primary duties is to inspect the completeness of documents and motorbike equipment, such as mirrors, exhausts, number plates, and lights, to ensure compliance with safety standards. This is necessary to regulate the use of motorbikes on public roads and prevent harm to other road users, as mandated by Law Number 2 of 2002 concerning the Indonesian National Police (Jupri et al., 2020).

In response to the growing number of vehicles in Indonesia, laws have been implemented to regulate road users effectively and efficiently. According to data from the Central Bureau of Statistics, the use of motorbikes in the various sub-districts of Malang City has increased from 2018 to 2020, as indicated in the table below (Number of Motorized Vehicles by District and Type of Vehicle in Malang City (Unit), 2018-2020, 2020):

<table>
<thead>
<tr>
<th>No</th>
<th>District in Malang City</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Kedungkandang</td>
<td>102576</td>
<td>104320</td>
<td>77335</td>
</tr>
<tr>
<td>2.</td>
<td>Breadfruit</td>
<td>112266</td>
<td>113536</td>
<td>84101</td>
</tr>
<tr>
<td>3.</td>
<td>Blimbing</td>
<td>106371</td>
<td>107865</td>
<td>81754</td>
</tr>
<tr>
<td>4.</td>
<td>Lowokwaru</td>
<td>98701</td>
<td>99488</td>
<td>75980</td>
</tr>
<tr>
<td>5.</td>
<td>Clojen</td>
<td>5773</td>
<td>57607</td>
<td>42159</td>
</tr>
</tbody>
</table>

Table 1.1: Amount of Motorbike Use in Malang City

Police inspections conducted on motorbike users are called "motorbike raids". These raids aim to ensure that motorbike users comply with regulations and do not endanger other users of the road or other motorbikes (Tedy Rusmawan, 2010). However, in some cases, illegal levies or "pungli" have been carried out by both police officers and members of the community.

Extortion is the unofficial collection of money by state officials or civil servants (Ramadhani Wahyu, 2017). This practice can be considered a form of corruption (Marzuki et al., 2020), as officials use their power to enrich...
themselves (Wiguna I Wayan Arsa Yogi Wiguna et al., 2020). Extortion is considered an extraordinary crime and is prohibited under Article 12 of Law Number 22 of 2001 concerning the Eradication of Corruption Crimes. Presidential Regulation number 87 of 2016 establishes a Task Force for Cleansing Illegal Levies, which outlines efforts to eradicate illegal levies in a firm, integrated, effective, efficient, and capable manner to create a deterrent effect. It is necessary to form a sweeping unit to eradicate illegal levies. People need to understand that "pungli" is a criminal act of corruption (Arifiati & Sulistyowati, 2022).

According to data from saberpungli.id, in August 2021, there were 947 cases of "hand-catching" operations, with 1,142 suspects. The public service sector had the highest percentage of cases (Mawad, 2021). "Pungli" or "on the spot peacekeeping" is often associated with the security sector, particularly in the field of traffic. This is due to various factors that affect people's lives, and as a result, it is considered a normal practice. In Malang City, where motorbike raids or "zebra operations" are often carried out, extortion is a common occurrence (Pratiwi & Adiaryani, 2019). The issue of "peace in place" is no longer a secret, but has become well-known and widespread among the public. Overall, it is crucial to eradicate extortion to ensure positive impacts on society, the government, and the state.

Sajipto Raharjo stated that law is meant for humans, not humans for law (Rahardjo, 2010). To view human behavior as law, there is a need to change the concept of law, where law functions not only as a rule but also as behavior (Rahardjo, 2010). The concept of establishing law is to benefit all levels of society, so that everyone can experience and form a prosperous society, also known as a welfare state (Pamungkas & Hariri, 2022). Law enforcement requires not only intellectual intelligence but also spiritual intelligence (Rahardjo, 2009). In the field of law, the sociological function of a legal product is considered to work properly if the community can comply with the applicable law. However, as the description suggests, the community still perceives "peace in place" as a normal thing and not a criminal act. This highlights the urgency to understand the background of such actions so that laws and regulations can function effectively to benefit both society and the government. Therefore, the authors are interested in conducting further research on the factors contributing to "peace in place" by both police officers and the public, especially in Malang City. Additionally, regulations concerning "peace in place" needs to be established in Malang City to address this issue.

RESEARCH METHOD

In this study, the research method used is empirical juridical, also known as sociological legal research or field research. The data management technique used in this study is qualitative research processing, which aims to explain phenomena through data collection. The research location studied is the city of Malang, and the data sources used in this study consist of two types: primary data and secondary data. Primary data was obtained through interviews and observations with the Head of the Malang City Resort Police, Mr. Putu Kholis Aryana, and the Head of the Malang City Traffic Unit (Kasatlantas), Mr. Kompol Yoppi Anggi.
Khrisna. Secondary data was obtained from research reference materials such as literature (books, journals, magazines, newspapers) and legislation.

DISCUSSION

Factors Of Occurrences On The Spot Peacekeeping In Malang City

Community participation is a form of police performance evaluation conducted in each region. The role of the community in making Malang City free from traffic bribery is crucial, considering that Indonesia is a state of law where both the community and the government are obligated to comply with the rules and regulations that have been established. Despite this, many people still do not follow the rules, particularly in road traffic and transportation.

Based on the results of interviews with several people in Malang City, several factors were found to contribute to peaceful activities in place. These factors are as follows:

a. The level of legal awareness among the public is still low. Legal awareness is closely related to the application or implementation of aspects of legal culture in the form of values or rules that are present in society. The lack of awareness among the public leads to a lack of compliance with the law, resulting in traffic violations (Sari Sherly Puspita Sari et al., 2023). Factors that contribute to the low legal awareness in society include:
   1) Weak Legal Functions
      The legal function, which contains a set of laws and regulations that have been made by the competent authority, has not been able to provide a maximum function to the community. This causes the community to set aside the law that has been stipulated.
   2) Inadequate Legal Guarantees
      The people in Malang City feel that the law in Indonesia that has been enacted still cannot provide adequate guarantees for them.
   3) Ineffective Socialization
      The socialization that is carried out should be a preventive effort (prevention) from law enforcement officers as lawmakers and implementers, but this effort is still felt to be lacking for the people of Malang City to be able to provide understanding so that they do not violate regulations that have been set. In fact, law enforcement officers who are supposed to be executives of the law often break the law themselves.

b. Misuse of power
   Law enforcement officials who use their positions to obtain money in any way greatly affect the law enforcement pattern in Indonesia. If the police prioritize or constantly think about getting bribes, it creates a perception among the public that law enforcers are unable to enforce the law properly. The law enforcement system is heavily influenced by law enforcement officials, including police, lawyers, prosecutors, judges, correctional officers, and others. If the attitudes and actions of law enforcers are not good, the law cannot be implemented properly, and the legal system and law enforcement will be disrupted (Wulandari Ambar Suci, 2020).

c. Habit
   It is not unusual for individuals who have previously broken the law to repeat their actions. Even though punishment is
intended to deter them, it is not always effective in preventing recidivism. These individuals calculate the consequences of violating the law and continue to break it with full awareness. This behavior becomes a problem when it is seen as a common action that can be carried out anytime and anywhere, and it can create a rift between police officers and members of the public.

d. Complex and time-consuming bureaucracy

The bureaucratic process in Indonesia is complex and takes a significant amount of time. Individuals who engage in "peace in place" transactions often do so because they do not want to deal with bureaucracy and want a fast and efficient process. Many government employees are unfriendly, uninformative, and unprofessional when dealing with the public, creating a negative impression of the government's bureaucracy. Poor public services have contributed to a crisis of trust in the government (Rustang, 2019).

These four factors significantly contribute to the prevalence of "peace in place" transactions in Malang City. It is necessary to conduct a comprehensive evaluation to resolve this problem at its root, from individuals in society to law enforcement officers. Therefore, it is essential to strengthen the law so that these transactions are not considered normal or habitual in Indonesia, especially in Malang. Both preventive and repressive measures are required to reduce the prevalence of these transactions.

Based on the descriptions of the factors that have been presented, it is necessary to strengthen the law so that people do not perceive peace as a commonplace or a habit practiced by Indonesians, especially in the city of Malang. In this case, both preventive and repressive measures are required to reduce the occurrence of such cases.

**Arrangements Regarding "Peacekeeping On The Spot" (Extortion) In Malang City**

"Peace keeping on the spot" transactions, which occur in almost all parts of Indonesia, have become a common practice among the community and traffic police officers. This practice has been going on since colonial times and has continued to persist. In Indonesia, traffic regulations are regulated by Law Number 22 of 2009 concerning Traffic. Road traffic and transportation play a strategic role in national development, particularly in the economic field, and aim to benefit the community. Additionally, the national transportation system, which includes traffic and transportation, must be developed to ensure security, order, safety, and smoothness on the roads.

Article 48 jo. Article 68 of Law Number 22 of 2009 concerning Road Traffic and Transportation states that every vehicle operated on the highway must meet technical and roadworthy requirements. The technical requirements include:

- a. Arrangements;
- b. Equipment;
- c. Size;
- d. Bodywork;
- e. Technical design;
- f. Loading;
- g. Use;
- h. Motorized vehicle coupling;
- i. Attachment.
The roadworthy requirements include:

a. Exhaust gas emissions;
b. Sound noise;
c. Main brake system efficiency;
d. Parking brake system efficiency;
e. Front wheel hubs;
f. Horn sound;
g. Transmits power and direction of the main light rays;
h. Turning radius;
i. Speed indicating device accuracy;
j. Suitability of wheel performance and tire condition, and
k. Suitability of the driving engine power to the weight of the vehicle.

Article 68 mandates that every motorized vehicle operated on the streets must be equipped with a Motorized Vehicle Number Certificate containing vehicle data, owner identity, registration number, and validity period. Drivers who operate motorized vehicles must also have a Driving License C, as specified in Article 80.

However, despite the provisions set, there are still many residents of Malang who do not follow or violate them. According to an interview with the Head of the Malang City Traffic Unit (Kasatlantas), Mr. Kompol Yoppi Anggi Khrisna, the majority of violations that occur on the highway involve two-wheeled vehicles. The most common violations committed by drivers are traffic violations, non-compliance with the Indonesian National Standard for helmets, and going against the flow of traffic. This information was obtained by monitoring Closed Circuit Television (CCTV) installed around traffic lights and direct monitoring around Jalan Soekarno Hatta Malang, Malang City Square, and the Traffic Orderly Area (KTL).

In most cases, the driver is given a violation letter in the form of a ticket. A traffic ticket is a means for a police officer to give warnings, impose fines, and record traffic violations against drivers who operate their vehicles on the highway (Firman Maulana, 2020). These sanctions are meant to provide a deterrent effect (Chusminah et al., 2018). However, in practice, not a few people or law enforcers in Malang City are more willing to make peace on the spot or pay fines at the scene by paying Rp. 200,000, due to the mistake of not turning on the vehicle's lights while on the highway (Case of Peace in Place, 2023). Mr. Khrisna mentioned that the on-site peace process was carried out to make it more efficient because the time to conduct a trial was felt to be too long and ineffective. The peaceful resolution process in place can prevent files from piling up to be processed and provide a more effective and efficient way to resolve cases, which are increasing day by day (Muhamad & Astuti, 2022).

The case of peace on the spot is a form of bribery that indirectly leads to corruption committed by the community towards the police officers who are on duty. To prevent such cases from happening, trust in public services, especially in the field of road traffic and transportation, must increase development efforts and improvements in quality, timeliness, and speed so that people do not face difficulties when carrying out trial proceedings. These efforts need to be made to reduce cases of peace on the spot or pay the value fines on the spot (Rustang, 2019).
The process of settling traffic cases is regulated by Supreme Court Regulation Number 12 of 2016 concerning Procedures for Settlement of Traffic Violations Cases. Based on the considerations outlined in this regulation, public services must be implemented as optimally as possible. Public service is a tangible activity of bureaucracy, and through public service, it will generate value and benefits aligned with the country's objectives (Sinambela, 2008). As the goals of the state are implemented by the state apparatus, it creates tasks related to public service, government, and development.

According to criminal law provisions, peaceful crimes in places or illegal levies can result in criminal charges for fraud, extortion, or corruption.

a. Fraud involves using a series of lies to deceive others into surrendering goods or something of value, as outlined in Article 378 of the Criminal Code.

b. Extortion, on the other hand, involves using violence or threats to coerce someone into giving up their property or something of value, as defined by Article 368 of the Criminal Code.

c. Corruption, which is defined in Article 415 of the Criminal Code, involves enriching oneself by abusing power, and thus, extortion and peaceful crimes can be included in the category of corruption.

Under Article 269 of Law Number 22 of 2009 concerning Road Traffic and Transportation, the fines imposed on traffic violations are considered non-tax state revenue, and a portion of the fines serve as incentives for the police officers who have carried out their duties under the law. If police officers accept fines from the public without proper legal procedures, it could be detrimental to the state (Dwi & Juarsa, 2021).

However, settling peacekeeping on the spot is not justified and goes against the Police Professional Code of Ethics and disciplinary regulations. According to Article 12, paragraph (1) of Government Regulation Number 2 of 2003, imposing a disciplinary sentence does not remove criminal charges. In cases of law violations involving police officers, the role of ankum in following up is crucial. Ankum refers to superiors who have the authority to impose disciplinary laws on their subordinates, as defined in Article 1, Paragraph (13) of Government Regulation Number 2 of 2003.

Applying policies or actions based solely on the law is essential, as long as they do not contradict or conflict with other laws. The law administration process should not only involve law enforcement but also peace maintenance, which harmonizes legal principles with the application of people's behaviour to create peace, prosperity, and security. Therefore, efforts to eradicate peaceful crimes in places should be supported by all stakeholders, including law enforcement officials and society, to prevent them from becoming a norm or habit.

In 2017, Mr. H. Moch. Anton, the Mayor of Malang, inaugurated the Task Force to Clean Up Illegal Levies in Malang City, which was confirmed by the Decree of the Mayor of Malang Number 188.45/30/35.73.112/2017 and ratified on January 9, 2019. The formation of this task force is aimed at eradicating bribery cases in the Malang City area (Malang
CONCLUSION

Based on the research and discussion presented above, the authors have reached the following conclusions:

1. The prevalence of peacekeeping on the spot activities in Malang City is influenced by several factors, including the lack of public awareness of the law, the absence of effective socialization efforts by law enforcement agencies, and inadequate public services provided by bureaucracy. These factors contribute to a negative perception of law enforcement officials among the community.

2. The practice of settling fines on the spot or engaging in peacekeeping negotiations is clearly in violation of criminal law. Such practices constitute fraud, which is prohibited under Article 378 of the Criminal Code, extortion under Article 368 of the Criminal Code, and bribery or corruption under Article 8 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

SUGGESTION

1. Every citizen in Malang City has a legal obligation to follow the regulations, particularly in traffic management, which are designed to ensure the safety of every driver and vehicle passenger. Legal awareness among the public is vital as it influences the effectiveness of law enforcement. To prevent traffic violations, active participation from the community in complying with the Indonesian National Standard (SNI) is highly encouraged. The implementation of "zebra operations" can deter incidents of on-the-spot settlements or fine payments, which often lead to corrupt practices. Thus, both law enforcement officials and the public can work together to prevent extortion cases from occurring.

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