

CRIMINAL ACTS OF ANARCHISM IN THE PERSPECTIVE OF LAW NO. 9 OF 1998

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Abstract: The democratic system adopted by Indonesia gives a high position and appreciation to the Indonesian people to participate in supervising the running of the Indonesian state by giving opinions orally and in writing. To manage and ensure this right, Regulation Number 9 of 1998 concerning the Opportunity of Offering Viewpoints in broad daylight was given. The approach used is a statutory approach (statute approach) and a conceptual approach (conceptual approach). The wellspring of information utilized is optional information. Information examination was completed in a subjective illustrative way. Concluding is carried out using the deductive method from general to specific, especially those related to the research topic, namely the Criminal Act of Anarchism Rallies in the Perspective of Law No. 9 of 1998. It found that demonstrations should be carried out by applicable regulations as stipulated in Law Number 9 of 1998 concerning the Freedom of Expressing Opinions in Public. If the demonstration runs in an orderly manner, then this is often known as a peaceful demonstration. However, in practice on the ground the demonstrations that were carried out often developed into acts of throwing and vandalism. The throwing and destruction of destroyed objects, as a result of the demonstrators' excessive desire to express opinions. Changes in peaceful conditions to anarchy are caused by throwing stones or other objects at places that have the potential to cause harm to public facilities, property, or loss of life.

Keyword: Legal Review; Simultaneous Local Elections; 1945 Constitution

INTRODUCTION

The Province of Indonesia is a state in light of regulation and a state in view of Pancasila A majority rules government. The law gives security to each resident who has the option to offer viewpoints as formed in Article 28 of the 1945 Constitution that opportunity to partner and accumulate to offer viewpoints orally and recorded as a hard copy is specified by regulation. One of the consistent results of embracing a majority rule framework is reflected in the assurance of the right to opportunity of articulation. This right is crucial considering that freedom of expression is one of the basic rights that humans have and has a major influence on the implementation of democratic government (Aswad, 2018).

The democratic system adopted by Indonesia gives a high position and appreciation to the Indonesian people to participate in supervising the running of the Indonesian state by giving opinions orally and in writing. To direct and ensure this right, Regulation Number 9 of 1998 concerning the Opportunity of Offering Viewpoints in broad daylight was given. Article 5 of Regulation Number 9 of 1998 states that residents who offer their viewpoints openly reserve the privilege to offer their viewpoints uninhibitedly and acquire lawful insurance. From the formulation of this article it means that citizens have the right to express opinions in public freely and there is an obligation for the state to provide protection and guarantees for this right (Kodiyat & Asdhie, 2018). Demonstrations should be carried out by applicable regulations as stipulated in Law Number 9 of 1998 concerning the Freedom of Expressing Opinions in Public.

If the demonstration runs in an orderly manner, then this is often known as a peaceful demonstration.

Exhibitions are activities to convey dismissal, analysis, unbiasedness, and instruct things that are viewed as deviations. So for this situation, as far as language, showings are not quite so limited as holding long walks, yelling, consuming tires, dramatic activities, annihilating walls, or different activities up until this point. appended to the word exhibition. Demonstrations should also "demonstrate" what should be done by the party that is the object of the protest. Exhibits or fights are a piece of majority rule life in a country since shows are a method for offering viewpoints out in the open. Demonstrations that have taken place recently have become increasingly lively since the fall of the New Order regime, in this concern, many Indonesian people have started to see, hear, and even get involved, both directly and indirectly, in demonstration activities (Murti, 2017). Notwithstanding, rallies or showings that have begun to blossom as of late are now and again joined by untrustworthy activities, to be specific by obliterating public offices, which is absolutely in opposition to the reason for the exhibit or exhibit itself. These unreliable shows surely abuse the arrangements contained in the Crook Code and Regulation Number 9 of 1998 concerning the Opportunity of Offering Viewpoints Openly. Without legitimate sureness, there will be no organization. On the other hand, at a specific level, request can sabotage equity. As well as acknowledging conviction, request requires correspondence, while

equity should consider variety or contrasts in treatment. The description above simply wants to show that legal issues are not as simple as what is often advertised (Kriyantono & Sos, 2014).

The demonstrations that have taken place recently have become increasingly lively since the fall of the New Order regime. In this regard, many Indonesian people have begun to see, hear and even be involved, both directly and indirectly, in demonstration activities. Yet, rallies or showings that have begun to sprout recently are once in a while joined by untrustworthy activities, in particular by obliterating public offices, which is positively in opposition to the motivation behind the exhibition or showing itself. These irresponsible demonstrations certainly violate the provisions contained in the Criminal Code and Law Number 9 of 1998 concerning Freedom of Expressing Opinions in Public (Bakhtiar & Bima, 2020).

Opportunity of articulation is in accordance with Article 19 of the Widespread Announcement of Common freedoms which peruses: "Everyone has the right to freedom of opinion and expression without interference and to seek, receive and convey information and opinions in any way and regardless of boundaries." To direct and ensure this right, Regulation Number 9 of 1998 concerning the Opportunity of Offering Viewpoints In broad daylight was given. Article 5 of Regulation Number 9 of 1998 states that residents who offer their viewpoints openly reserve the option to offer their viewpoints unreservedly and acquire lawful assurance. From the formulation of this article, it means that citizens have the right to

express opinions in public freely and the state must provide protection and guarantees for this right. Law Number 9 of 1998 concerning Freedom to Express Opinions in Public Article 1 paragraph (3) states that "Demonstrators or demonstrations are activities carried out by one person or more to express thoughts orally, in writing, and so on demonstratively in public" (Sabela, 2017). With the formation of this law, it is hoped that the public can carry out activities of expressing opinions in public freely but still uphold responsible freedom.

Demonstrations should be carried out by applicable regulations as stipulated in Law Number 9 of 1998 concerning the Freedom of Expressing Opinions in Public. If the demonstration runs in an orderly manner, then this is often known as a peaceful demonstration. However, in practice on the ground the demonstrations that were carried out often developed into acts of throwing and vandalism. The throwing and destruction destroyed objects, as a result of the demonstrators' excessive desire to express opinions (Aldi Pratama & Kholilurrohman, 2022). Changes in peaceful conditions to anarchy are caused by throwing stones or other objects at places that have the potential to cause harm to public facilities, property, or loss of life.

MATERIALS AND METHODS

This kind of exploration is regularizing research. The methodology utilized is a legal methodology (resolution approach) and a reasonable methodology (calculated approach). The wellspring of information utilized is optional information.

Information examination was done in an expressive subjective (Musyoka, 2016). The conclusion is using the deductive method, namely concluding from general to specific, especially those related to the research topic, namely the Criminal Act of Anarchism Rallies in the Perspective of Law No. 9 of 1998. Subjective information examination is done in the event that the observational information got is as an assortment of words and not in that frame of mind of a progression of numbers and can't be sorted out into classifications. The information is gathered in different ways (interview perceptions, archive occurrences, and tape accounts). Also, normally handled first prior to being utilized in subjective exploration including the consequences of interview records, information decrease, examination, information understanding, and triangulation (Anggraini et al., 2022).

RESULTS AND DISCUSSION

Legal Review of Anarchism Demonstrations in the Perspective of Law No. 9 of 1998

Issues in the exhibition that happened, for this situation, the police have the power to direct the show so the exhibit chugs along as expected, systematic, and securely by what is the motivation behind the exhibit. Conditions that often occur, demonstrations that initially run well-become riots or anarchists and clashes cannot be avoided between the demonstrators and the security forces (police). If a demonstration that occurs has led to things that are anarchic and has disrupted the public interest, then the handling of the police refers more to the security aspect. In connection with

unfavorable field conditions, the police sometimes use a handling concept that is slightly different from what is in the regulations. The use of police force in the face of mass fury cannot be instantaneous, because the police are required by law to use force in the face of mass fury or any anarchic act (Priyantoko, 2016).

Demonstration activities or demonstrations can be classified into two forms, namely peaceful and anarchist demonstrations. Peaceful demonstrations can be carried out using speeches conveying opinions in the field/public places, conveying demands, and theatrical actions. A theatrical action is a form of satire against the rules or policies that are enforced. Meanwhile, anarchist demonstrations can take the form of blocking public roads, burning tires, damaging fences and other public facilities, physical clashes, destroying state symbols, and occupying State offices/facilities. Anarchist demonstrations can be categorized as criminal acts. Demonstrations or demonstrations are a form of democratic life by conveying ideas and ideas before the public to politically emphasize policies that prioritize certain groups. In legal science, the state guarantees democracy by the law (Suharyanto, 2016). This interpretation is based on the Indonesian state, namely Article 28 of the 1945 Constitution of the Republic of Indonesia which contains freedom to express opinions freely without discrimination. However, this matter was not reflected in the Demonstration Against Law Number 11 of 2020 on October 5, 2020. In all activities or situations there is a causal nature related, the same is the case

with this demonstration activity.

Article 1 of the Criminal Code states that things intended in criminal provisions must be based on prohibited actions as a basis for guaranteeing individual freedom which provides restrictions on prohibited activities called the principle of legality (*Nullum delictum nulla poena sine praevia lege poenali*). Criminal is planned to suffer imposed on people who carry out activities that meet the provisions of prohibited acts. Thus, the provisions of criminal law and law ensure that prohibited acts are carried out and the threat of sanctions for violations of related prohibitions. In its development, from the perspective of the community environment and ties between nations, Article 3 of Law Number 9 of 1998 concerning Freedom of Expressing Opinions in Public determines that the main basis for expressing ideas in public is based on five basic principles. The principle is responsibility in reasoning and acting to convey ideas or ideas in public. Destruction of public facilities is a criminal offense accompanied by criminal sanctions (Hariantika & Sukinta, 2016).

Article 16 of Regulation Number 9 of 1998 concerning Opportunity of Offering Viewpoints in broad daylight expresses that entertainers or members in the execution of general assessment articulations who commit acts that disregard the law can be dependent upon legitimate assents by the arrangements of the relevant regulations and guidelines. Criminal liability occurs because there is an error which is a crime committed by a person, and there are provisions that classify the crime. Because mistakes are factors of crime, the principle of error

cannot be separated. If a crime is fulfilled, then criminal responsibility is also fulfilled. The theory of sentencing in criminal law, the theory of causality is presented with the aim of understanding to whom accountability is directed. This means that the theory of causality is also called the theory of cause and effect before it is related to the principle of legality. One of the articles that can ensnare the perpetrators of the destruction of public facilities is Article 170 passage (1) of the Lawbreaker Code, which peruses in full: Any individual who straightforwardly and with joint power utilizes brutality against individuals or property is compromised with detainment for a most extreme five years and a half year (Mustofa, 2021).

Public offices are actual instruments given by the public authority to the public interest, for example, streets, road lighting, transport stops, walkways, and walker spans. The offices gave are as supporting offices pointed toward giving accommodation to the local area so they should be appropriately kept up with. Demonstrations or demonstrations are a form of democratic life by conveying ideas and ideas before the public to politically emphasize policies that prioritize certain groups. In legal science, the state guarantees democracy under legislation (Rohmiyati, 2016). This interpretation is based on the Indonesian state, namely Article 28 of the 1945 Constitution of the Republic of Indonesia which contains freedom to express opinions freely without discrimination.

Destruction of public facilities is a criminal offense accompanied by criminal sanctions. The criminal offense of

vandalism is an act of violating the law using the method of damaging or destroying which is carried out by an individual or a group of people, eliminating the use of the goods. Criminal responsibility, especially for the destruction of public facilities, is intended to ascertain whether a person is capable of being held accountable for a criminal or not (Rahman, 2015). Criminal liability occurs because there is a criminal act or deviant act committed by an individual. In essence, this criminal responsibility is a form of reaction to the criminal offenses committed. Criminal liability occurs because there is an error which is a crime committed by a person, and there are provisions that classify the crime.

The Importance of the Role of the Police in Controlling Anarchism Demonstrations

Lawful obligation regarding the obliteration of public offices by demonstrators, as a rule, is managed by the arrangements of Article 406 of the Criminal Code section 1 which states "Any individual who intentionally and unlawfully obliterates, harms, makes unusable or loses something that is completely or somewhat having a place with someone else, is undermined with a greatest detainment of two years and eight months or a most extreme fine of 4,000 500 rupiahs. That criminal responsibility arises as a result of an act which contains a criminal threat committed by the perpetrator. Though explicitly alluding to Article 16 of Regulation Number 9 of 1998 concerning Opportunity of Offering Viewpoints Openly expresses that entertainers or members in the execution of general assessment conveyance who commit acts that abuse

the law can be dependent upon legitimate approvals by the arrangements of the appropriate regulations and guidelines. Next, technically referring to Article 23 letter e of Police Chief Regulation Number 7 of 2012 concerning Procedures for Providing Services, Security, and Handling Cases for Expressing Opinions in Public which states that the activity of expressing opinions in public is declared a form of violation if anarchy takes place. Accompanied by criminal acts or crimes against public order, crimes that endanger public security for people or goods, and crimes against public authorities (Kadek & Mahadewi, 2022).

Efforts to deal with the masses of demonstrators who anarchy often occur in physical clashes between demonstrators and the police. The police often take actions that are not by Article 2 of Regulation Number 2 of 2002 concerning the Indonesian Public Police which expresses that the capability of the police is one of the elements of government in the field of keeping public control and security, policing, assurance and administration. to society. Disbanding or banning demonstrators during demonstrations by the Police is solely not intended to limit the rights of the demonstrators to express opinions in public, but rather the anarchist attitude of the demonstrators which causes violence and losses both morally and materially (Lubis, 2021). So that the police took action that seemed to ignore human rights and it was done compulsorily so that the anarchic demonstration could be stopped and so that there were no victims.

As law enforcement officers, every agency and all members of the Indonesian

National Police must be able to realize the goals of the National Police as contained in Law Number 2 of 2002. humanist and as far as possible avoid repressive measures. The situation in a demonstration is often full of emotions and conflicts of interest so if there is an action that violates the law or leads to anarchic acts, it will provoke resistance from other parties, which in the end will cause a lot of material and immaterial losses for the parties and harm stability. country. Police Activities are coercive measures as well as different activities taken dependably as per relevant regulation to forestall, hinder, or stop the activities of hoodlums who compromise security, imperil body and soul, property, or moral honor, to acknowledge request and maintain the law and keep up with public harmony. Utilization of Power is any utilization/work of force, potential, or capacity of individuals from the Police with regards to doing Police activities (Tenriajeng, 2021).

Police Activities are coercive measures and additionally different activities taken capably as per appropriate regulation to forestall, hinder, or stop the activities of hoodlums who undermine wellbeing, or imperil body and soul, property, or moral honor, to acknowledge request and maintain the law and encouraging public harmony (Aspan, 2017). Use of Force is any use/employment of power, potential, or ability of members of the Police to carry out Police actions.

CONCLUSION

Based on the results and discussion of the Research, it can be concluded that, 1) The causes of anarchist demonstrations

that damage public facilities include the unfulfilled desires of the protesters at the demonstration, the factor of provocation from within the group of protesters, and the factor of the police's low ability to control crowds during demonstrations. 2) The democratic system adopted by Indonesia gives a high position and appreciation to the Indonesian people to participate in supervising the running of the Indonesian state by giving opinions orally and in writing. 3) Demonstrations ought to be completed by relevant guidelines as specified in Regulation Number 9 of 1998 concerning the Opportunity of Offering Viewpoints Openly.

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