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Original Article

Criminal Policy in the Handling of Social Conflict and Efforts to Build Participation of Community in Settling a Citizen Brawl

(Study case of citizen brawl in Wonosobo regency)

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Abstract

The purpose of this study is to examine and analyze the criminal policy in the handling of social conflicts and the effort to build community participation in the settlement of citizen brawl between villages / district (Case Study of Citizen brawl in Wonosobo District). Approach method in this research is juridis-sosiologis. The data used are primary data and secondary data. Data analysis is descriptive analysis. The results of the study found that the criminal policy in handling social conflicts through the concept of Community Policing was then standardized on October 13, 2005, through the Decree of the Chief of Police. Pol. Kep/737/X/2005 where Community Policing is a policy that must be implemented by all Police. Polmas or community police is a new paradigm to make the Police as guardian, protector, and public servant. The idea of Polmas in Indonesia emerged by referring to similar programs in other developed countries such as Japan, Australia, the United States, and Britain. Polmas was developed as an alternative, because during this time the police tend to see themselves as the holder of authority and the police institution is viewed solely as a tool of the state. This causes the police tend to approach even repressive power in carrying out the task. Toward the end of the term of office, in 2008 Chief of Police Sutanto updated the regulation on Polmas with the Regulation of Chief of Police Number 7 of 2008 on Basic Guidelines and Implementation of Community Policing in the Implementation of Polri Duties.

Keyword: Criminal Policy; Citizen Brawl; Wonosobo Regency.

Pendahuluan

Violent conflict in the form of brawl between villages involving its citizens as a phenomenon in society has long been happening and developing in Wonosobo district. In some places (especially in sub-districts and/or villages), to date there are still frequent fights/ brawls between villages involving the villagers. Call it between the youth of the village of Jambusari fighting with the hamlet Kenjer both Kertek subdistrict, the youth of Binangun village Kertek district fight with the youth of the village Kalianget Wonosobo district, and lately there was a fight between the youth of Seranggede village against the village of Kreo, or youth village Seranggede fighting against youth from the village of Serangsari, all three participated in Kejajar district [1]. This became very ironic when the fight between villages occurred in a district where some people say that Wonosobo regency is famous for its peaceful, religiously diverse district but very harmonious and

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interfaith tolerance with each other, even Wonosobo known as human rights-friendly district with ASRI (Aman, Serat, Rapi and Indah) motto and the saddest brawl has been a hereditary activity so this is a concern of the parties, both from the Executive and Legisatif in Wonosobo regency and no less important is the Police of the Republic of Indonesia (Polri) in this case is the Police Resort (Polres) Wonosobo. Inter-village/village fights involving their citizens can be categorized as social conflicts [2], and social conflicts involving citizens accompanied by violent means as phenomena in some societies have long occurred several years ago, as noted above, are very alarming. The heterogeneity of society and the trauma of many conflicts is something that should be observed because usually brawl occurs from small things, is continuous and done by using violence. Various forms of violence occur in different parts of Indonesia. The emergence of violence with a variety of forms this is certainly sued the ideal concept of Indonesia as a state law and also sue the ideal concept of a nation that is humane, just and civilized [3].

Various forms of violence that has been happening, by some people as if it has been considered as commonplace so that violence is often used as a tool by a person or a group of people with certain reasons and goals to the exclusion of the law should be the principle guiding. It is very worrying that most of the various forms of violence are still not and never fully resolved through the legal process in accordance with applicable laws and regulations. In response to the never complete resolution of legal issues of violence, Sahetapy acknowledges that the law is the main factor, but the law is not the only factor. There are still many factors that come into play, for example when the community is not satisfied with the settlement of legal problems by the judiciary, the court itself can be traded for justice, then the rule of law is castrated. “Frankly I myself see the government as having no political will in solving such problems” [4].

Gangs between villages/villages involving citizens who later turned into widespread unrest and can cause injury or even loss of a person’s life can not be taken lightly and trivial, but it can be categorized as a criminal act that is very disturbing the public order of the surrounding environment so that requires serious handling and comprehensive in terms of both preventive and repressive (law enforcement) and the need for sustained peace (read: reconciliation) between both conflicting and conflicting parties. One of the things that need to be observed in order to develop sustainable reconciliation, to realize lasting peace as a necessity is to dissect the factors that have created conditions that allow for the occurrence of conflicts between citizens (necessity and sufficient condition). The conditions and causal factors need to be expressed and reviewed more broadly, rather than only partially. Thus, appropriate and strategic handling can be taken to prevent the recurrence of conflicts in the future. In addition to the factors and conditions that allow for conflict, conflict-related factors also need to be dissected, so that incidental but targeted interventions can be done immediately after an open conflict occurs [5].

Judging from the history of mankind, conflict and violence are not new. it exists at the same time the man appeared on the surface of the earth. Violence is actually considered part of the culture of society. Historical studies, all of which never deny that violence has existed since human existence so that violence can be said as part of human culture [6]. The form of violence in the dispute between villages/districts that often occur in community life in Wonosobo district with the intensity that has been so very apprehensive is the emergence of the tendency in the community to vent the sense of anger because things that are considered trivial as an example just because of each other touched or assaulted when up motorcycles, do not want to say hello when passing and so on, although sometimes wreaked against the perpetrators of criminal acts, everything is done in extra-illegal ways, that is by way of beating, torture and even murder of people suspected as perpetrators of criminal acts or the person being subjected to anger. Conflicts between villages/districts in the context of Wonosobo district are something of a great concern. The heterogeneity of the community and the trauma of conflicts that are prevalent in the region is a matter of concern, requiring serious handling of all parties in anticipation and handling. Disputes between villages/villages with any motive and form, as well as other crimes occurring in society for whatever reason are expressly prohibited in the legal norms in this case criminal law, therefore the rule of criminal law is always acting decisively and never allowing the ongoing crime continuously.

Method of Research

The research use Paradigm constructivism. it is a paradigm in which the truth of a reality is seen as a result of relative social construction. Approach method in this research is juridis-sosiologis [7].

In the study used primary data and secondary data. Primary data is data obtained directly from the community and secondary data, obtained from library materials [8]. Secondary data sources are [9]: primary legal materials, secondary legal materials and tertiary legal materials. Data collection techniques in this study through literature study and field study. Data analysis used is descriptive analysis.

Result and Discussion

Criminal policy

Policies as efforts to combat crime are essentially an integral part of social protection and social welfare. It can be said, therefore, that the ultimate or ultimate goal of criminal politics is "the protection of society to achieve the welfare of society" [10].

Based on the description, the relationship between criminal law policy, criminal policy, law enforcement policy and social policy can be described with schemes 1 and 2 .

Looking at the scheme above, Barda Nawawi Arief identifies that crime prevention and countermeasures must support social welfare (SW) and "social defense" (SD) goals, which are very important aspects of the Immaterialel's welfare/protection, especially value of trust, truth/honesty/justice. Crime prevention and prevention must be done with an "integral approach", meaning that there is a balance between "penal" and "non-penal". Policies for prosperity through a social policy and criminal policy, can be done with a policy approach. The policy approach is meant in terms of:

a. The existence of the integrity of criminal politics with social politics;

b. The existence of integrity between crime prevention with penal and non-penal.

Criminal policy is closely related to various aspects of crime prevention, legal prevention, community protection and social welfare. This is as stated by Muladi (in Muladi and Barda Nawawi Arief) [13], In his various writings, among other things, that "criminal policy is a rational attempt to combat crime.) This criminal politics is part of law enforcement policy), All of which are part of social politics, namely the efforts of the public or the state to improve the welfare of its citizens. Criminal policy or also known as crime prevention policy covers a wide scope. To know more clearly the scope of the criminal policy, then G Peter Hoefnagels, divides into three broad categories [14] :

a. *Influencing view of society on crime and punishment*

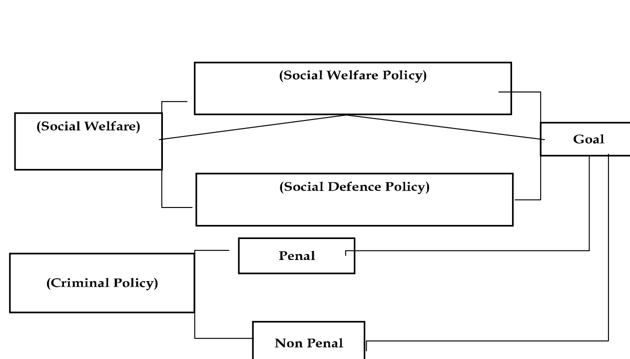
b. *Criminal law Application* (Practical Criminology).

c. *Prevention withoud punishment*

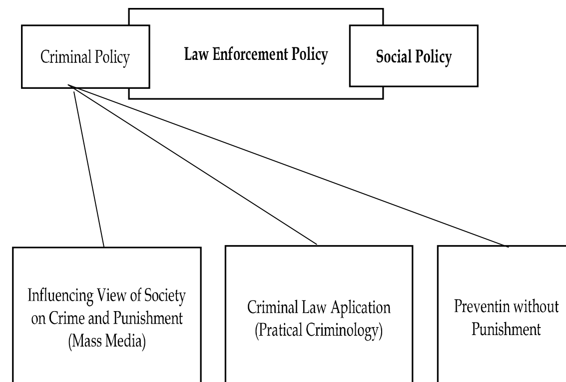
Of the three ways mentioned above, in general the criminal policy or crime prevention efforts can be categorized into 2 (two) groups, the first through the penal or penal law, and the second through non-penal or outside the penal code . Crime-prevention efforts in addition to using criminal law also make use of other non-penal measures, such as administrative law, civil law or other broader means to eliminate causes or conditions that directly or indirectly result in a crime. The description also shows that the criminal law also contains limitations, like any other effort. The limitation of criminal law capability is seen both from the nature of the occurrence of crime and the nature of the functioning or the operation of criminal law (criminal sanctions). According to Sudarto (in Barda Nawawi Arief), the use of the criminal law is a curate of symptoms (kurieren am symptom) and not a solution by eliminating the causes [15].

Furthermore Barda Nawawi Arief explained that criminal sanction is not a medicine to overcome the symptoms of the crime. (symptomatic treatment) and punishment are only individual/personal rather

Schema 1: Relation Between Criminal Law Policy, Criminal Policy With Social Policy [11]



Schema 2: Relation Between Criminal Policy, Law Enforcement Policyand Social Policy [12]



than structural / functional.

Social Conflict Settlement

Crime prevention efforts include preventive activities and at the same time attempts to improve the behavior of a person who has been found guilty (as a prisoner in a Penitentiary). In other words, crime prevention efforts can be done in a preventive and repressive manner.

According to U.S. Alam, crime prevention consists of three main parts [16]:

a. Preemptive Efforts

The preemptive effort is the initial efforts by the police and other parties to prevent early and deter early on the occurrence of criminal acts. Efforts made in the prevention of crime are preemptive is instilling good values/norms so that norms are internalized in a person.

Although there is an opportunity to commit a crime / offense but there is no intention to do so then there will be no crime. So in a preemptive effort the intention factor becomes lost even if there is a chance. This prevention is derived from the theory of NKK, namely: Intention + The occasion of the crime. For example, in the middle of the night when traffic lights are on, the driver will stop and obey the traffic rules even though at that time there are no police on guard. This is always the case in many countries such as Singapore, Sydney, and other major cities in the world. So in a pre-emptive effort the "Intention" factor does not occur.

In the writer's opinion, this preemptive effort is divided into three main activities namely, first, early detection, activity to mapping the areas that are vulnerable to citizens order and safety disruption (crime or other citizen safety disorder); second, early warning, giving early warning to the community not to become perpetrator and victim of crime or other disorder of citizen, and thirdly, Early reaction (early reaction), activity which directly touch society (for example among others can be sambaing villages, that is visiting people's homes by door to door system, coaching and counseling, etc.).

b. Preventive Effort

Preventive crime prevention is done to prevent the occurrence or the occurrence of the first crime. Preventing crime is better than trying to educate criminals to get better, as the motto in criminology is that efforts to repair criminals need to be taken care of and directed against repeat offenses. It is reasonable that preventive efforts take precedence because preventive efforts can be undertaken by anyone without a special and economical skill.

Barnest and Teeters in Ramli Atmasaamita, point out several ways to cope with evil [17]: firstly recognize that there will be needs to develop social impulses or social pressures and economic pressures that can influence one's behavior toward evil; and second focuses on individuals who exhibit criminal or social potentialities, even if they are caused by biological and psychological disturbances or lack of adequate social economic opportunity to constitute a harmonious unity. From the opinion of Barnest and Teeters mentioned above shows that the crime can we overcome if the economic circumstances or social circumstances that affect a person towards criminal behavior can be restored in good condition. While biological factors, psychological, is a secondary factor only. So in a preventive effort that is how we do a positive business, and how we create a condition such as economic circumstances, the environment, as well as the culture of society which becomes a dynamic force in development and not vice versa like causing social tensions that encourage the occurrence of deviant acts as well as how to increase public awareness and participation that security and order are a shared responsibility.

Thus, these preventive efforts are a follow up of pre-emptive efforts that are still in the prevention stage before a crime occurs. In an emphasized preventive effort it eliminates the opportunity for committing a crime. For example there are people wanting to steal a motorcycle but the opportunity is eliminated because the existing motors are placed in the daycare of the motor, thus the opportunity becomes and no crime occurs. So in a preventive attempt the chance is closed.

Repressive Effort

This effort is made when there is a crime / crime that the action is in the form of law enforcement by imposing the punishment. A repressive effort is an attempt to combat crime conceptually pursued after a crime. Counter measures with repressive efforts is intended to crack down on the perpetrators of crimes in accordance with their actions and fix them back so that they realize that their actions are unlawful and harmful to the public, so that they will not repeat them and others will not do so because the sanctions will be very heavy. In discussing the repressive system, it can not be separated from the criminal justice system, where within the criminal justice system there are at least 5 (five) sub-systems, namely

the sub-system of the judiciary, prosecutors, police, corrections, and the advocation which is a whole strung and connected functionally. Repressive efforts in the implementation is also done with treatment and punishment (punishment).

Criminal Policy in the Handling of Social Conflict and efforts to assist community participation in the settlement of brawl between villages / Districts

Since ancient times the hope to combat any evil in form, scale, and mode are so great. This can be evidenced by the vigorous calls to voice and fight for the prevention of crime, including brawl between villages/villages. But unfortunately the fight against this crime does not go smoothly because one of them is the lack of participation from the community. Yet society is the most disadvantaged for the crime. However, the prevention of crime in this case brawl of citizens will not run well without the participation of the community. Therefore, it is a compulsory law for the community to participate in prevention to cope with the brawl between villages/Districts. There are several reasons why people should participate actively in preventing and tackling brawls. First, by looking at the roots of the brawl. Second, the impact of the brawl for the community. Third, the benefits of preventing brawl. Fourthly because of the weakness of government officials and law enforcement in preventing the occurrence of brawl. How much community participation in preventing/fighting brawl, certainly will not eliminate 100 percent brawl. But organized community participation is bound to bring about major changes in the country. In order to prevent / combat fighting brings great benefits, then the first and most important thing is to form awareness within the community. Speaking of community participation in the settlement of a case that occurs, means giving an active role to the community to be directly involved in the settlement of the case. In other words there is a role of society in it.

In writing this dissertation the authors argue there is a common word between community participation with the role of society. The question that arises is how the participation or role of the community in solving the problem (read: criminal acts), especially the brawl of villagers between villages / districts that have occurred?

Conflicts, disputes, violations or disputes between or related to two or more individuals today have and will become a common phenomenon in society. This situation will increasingly troubles the world of law and justice if all conflicts, disputes or disputes are processed by the judiciary. In this regard, an alternative dispute resolution mechanism is needed that does not render the community dependent on a limited world of law, but can still bring about a sense of justice and problem solving. The mechanism has actually had a legal basis and has a precedent and has been practiced in Indonesia, although rarely realized. The mechanism also has the potential to be further developed in Indonesia [18].

The concept of criminal disputes is part of the social problems that exist in people's lives. According to Soerjono Soekanto, that: "Social problems (criminal disputes) are a mismatch between cultural and community elements, which may endanger the lives of social groups, or inhibit the fulfillment of the social civic's basic wishes causing the limps of social ties [19]."

When discussing the laws and state institutions that implement the law, we often associate it with the discourse about "formal justice" which is run and produced by law as well as legal process which is also formal. Why it is said to be "formal", since the legal process carried out by the state institution in the field of law is based on written and codified law, done by authorized official state apparatus, and requires the process of lawyering which is also standard and bears. However, the other face of the law and the formal legal process is the fact that formal justice, at least in Indonesia, is expensive, prolonged, exhausting, does not solve the problem, and even worse, is full of corrupt, collusive practices , and nepotism. One of the problems that make this form of justice seem problematic is, given the existence and the same process for all types of problems (one for all mechanism). This is what resulted in the departure of many parties to find alternative solutions to the problem. When associated with the ideals of establishing the Unitary State of the Republic of Indonesia to establish a State of Law (recht staat), and not a State of Power (macht staat), one of the indicators of achievement is the formation of conditions and the ability of citizens or communities to obey the law (citizen who abides the law), or even a law-abiding society (Law Abiding citizen).

In such situations, the law enforcement process should not be fully or permanently carried out using formal justice methods, one of which is repressive police action and followed by a legal enforcement process. As is well known, these litigative formal actions are heavily dependent on the enforced effort and the authority of the law enforcement officers to do so. Furthermore, if there is a result, it will generally end in a "lost-lost" or "win-lose" situation [20].

In the context of the presence of a compliant or law-abiding society within a unitary state, the spirit that emerges today is also the spirit of waiver for not using the law enforcement process via the litigation. But the difference is that, in this context, the waiver is done to achieve a win-win situation between the parties concerned, which is also expected to heal more related to the parties involved (especially the victims), and more resolutive (as a formation word "re-solution" which can be interpreted as "re-achieving a resolution not previously obtained"). At a minimum, conflicts or disputes can be terminated without any party losing face or elegant solution [21].

The term settlement is a word often used by legal practitioners in handling a case, whether it be a criminal case, civil or state administration case, or also in other social interactions. In foreign terms (English.pen) known term settlement, this can be seen in Black's Law Dictionary; that the word settlement means:1. *The conveyance of property – or of interests of property – to provide for one or more beneficiaries, usu, members of settlor's family, in a way that differs from what the beneficiaries would receive as heirs under the statutes of descent and distrubution*; 2. *An agreement ending a dispute or lawsuit , the parties reashed a settlement the day before trial...5. Wills & estate. The complete execution of an estate by executor, the settlement of the tycoon's estate was long and complex [22].*

According to anticle 2044 Civil Code, there are three types of propositions concerning this settlement, namely: *a settlement is a contract, is presupposes a dispute or confict; and finally, mutual sacrifice [23].*

Community involvement in the settlement of a criminal act is a system of settlement outside the judiciary, and this system is well known in the world of justice that has long existed. Even in Western countries, this system is known by the name of Alternative Dispute Resolution System (ADR). However, according to Mudzakir [24], the first thing to emphasize is that the term "out-of-court settlement" is not the same as the term ADR, although there are similarities in which a criminal offense is not brought to justice. If ADR is a legally recognized institution as a legitimate settlement institution and regulated in legislation through mediation, arbitration, negotiation or reconciliation mechanisms, this is not the case with out-of-court settlement. For this, it is commonly known as a policy by law enforcement officials who have the authority to do the following: as determinants of the final outcome of a case of dispute, conflict, dispute or violation, but also have the authority to undertake a discretion/done by a particular party, at the same time (not in all cases) followed by a request to the offender/perpetrator to accommodate the victim's loss. A popular general term is "peace" in criminal law offenses. Still according to Muzdakir, there are several reasons for the settlement of criminal cases outside the criminal court as follows: violation of the criminal law including the category of offense complaints, both complaints are absolute and relative complaints. The violation of the criminal law has a fine as a criminal penalty and the offender has paid the fine (Article 80 of the Criminal Code). Violations of the criminal law include the category of "offense" rather than "crime", which is only threatened with a fine penalty. Violations of the criminal law include criminal offenses in the field of administrative law that places criminal sanctions as ultimum remedium. Violations of the criminal law include light / lightweight categories and law enforcement officers use their discretionary authority. A violation of ordinary criminal law that is terminated or not proceeded to the court (deponir) by the Attorney General in accordance with the legal authority it possesses. Violations of the criminal law include categories of violations of customary criminal law resolved through custom (adat) Agency [25].

Meanwhile, according to Gayus Lumban Tobing [26], that legal cases that have potention to be resolved through ADR are as follows: First, cases where the perpetrator (or the alleged offender) does not involve the state. Or, it can also be prioritized for criminal offenses that belong to the category of offense complaint. In addition, ADRs may also extend to include criminal acts whose victims are communities or citizens so that they themselves disclose the extent of their losses. Second, criminal acts which, although involving the state (as a suspect perpetrator), but require a settlement considering the direct impact to the community. For example for criminal acts in the economic field where the state expects a state refund in cases of corruption. In this connection, it is inevitable that the use of ADR in this perspective is more important to be developed by the police than the prosecutor or the judiciary, given the role of the police as the initial gateway of the criminal justice system. it can be expected that a case that has been initiated by ADR, say so, will be more likely to be continued and ended in ADR way than the ADR is raised in the middle (when the case is handled by the prosecutor) or at the end of the criminal justice process (ie terminated by the court) related to the Indonesian criminal justice system, basically the process that must be passed and the files that need to be completed in relation to the case of big or small are in fact the same.the case, small cases should be solved by other means to avoid congestion. meant by

small or light matter is:

1. violation as regulated in the Third Book of the Criminal Code;
2. a minor criminal offense punishable by imprisonment or imprisonment of a maximum of 3 (three) months or a fine of up to Rp. 7.500 (seven thousand five hundred rupiah);
3. minor crimes (lichte musjdriven) as set forth in the Penal Code as follows::
   a. Article 302 on the Light Persecution of Animals;
   b. Article 352 on the Light Persecution of Humans;
   c. Article 364 concerning Light Theft;
   d. Article 373 on Light Evasion;
   e. Article 379 on Light Fraud;
   f. Article 482 on Light Weighing; and
   g. Article 315 on Light Insult.

In relation to the small or light matter, the community (especially the local level) actually has its own capacity to solve the problems of the behavior of a person or some of its citizens who are considered to be deviant or criminal. That capacity is what we call the "customary justice" (dorpsrechtspraak) which is basically a voluntary effort to resolve the problem to a body headed by the Village Head, Elder or other recognized body in the community. Every society, it is believed even by experts such as Teer Haar (1948) as belonging to every local community and utilized to resolve any conflicts or disputes they face [27]. The purpose of Alternative Dispute Resolution is the realization of a "win-win solution". In this case Adrianus F. Meliala, said that "the community (especially the local level) actually has its own capacity to solve the problems of the behavior of a person or some of its citizens who are considered to be deviant or criminal [28]."

There are some views from some people (experts) about this Alternative Dispute Resolution System (ADR). According to Adrianus E Meliala, as quoted by Zakarias Purba [29], said: "How the implementation of Restorative Justice in the context of criminal justice should be understood as: (1) the presence of new institutions that complement existing institutions; (2) perspectives, spirit, and growing motivation among court executives (including the Police); (3) new or special regulations, regulations or manuals. Priyatna Abdurrasyid [30] said that Alternative Dispute Resolution is a set of procedures or mechanisms that serve to provide alternatives or options of a dispute resolution procedure through the Alternative Dispute/Arbitration Form (negotiation and mediation) in order to obtain final and binding decision of the parties. In general, not necessarily involving independent third party interventions and assistance that are asked to help facilitate the settlement of the dispute. The concept of Alternative Dispute Resolution (ADR), according to Philip D. Bostwick is [31]: " *A set of practices and legal techniques that aim : (1) To permit legal disputes to be resolved outsidethe court fo the benefit of all disputants; (2) To reduce the cost of conventional ligitation and the delay to which it is ordinary subjected (3) The prevent legal disputes that would athewise likely be brought to courts.* "

Potter in his book Legal Culture in China quoted by Sugiastuti Natasya Yunita in his book "The Tradition of Chinese Law: State and Society", suggests that alternative dispute resolution mechanisms are often applied by courts as a prelude to the formal adjudication process. But the practice is already fading because formal system involvement is more regarded as a path to disaster and should be avoided altogether [32].

For example, Traditional Chinese traders' associations have the rule that if members of the society do not comply with the rules or if there is a dispute between them, the society establishes its own trial among them to try the case. Its members are expressly forbidden to go to court without first allowing the assembly to consider and decide by law [33].

According to G.P. Hoefnagels in his book The Other Side of Criminology, as quoted by Barda Nawawi Arief [34], explains that the term criminal policy (Criminal Policy) is used to describe the different understanding between penal term and non-penal term. G.P. View The Hoefnagels state that there are 2 (two) crime prevention efforts, namely through "penal" (criminal law) and through "non-penal" (not/outside criminal law) lines. In that view, the so-called non-penalty efforts is criminal prevention, and influences the public's view of crime and punishment by the media (influencing views of society on crime and punishment / mass media) [35].

Muladi argues that the role of society exists that is individual, and there is the role of civil society that can be defined as an organization of social life that is open, voluntary, self generating or at least self supporting, autonomous to the state, and also a legal order, standing between private and state environments. Organization or state institutions within the scope of various public issues, ranging from law, economics, environment, culture and so forth [36]. The civil society movement is not basically

meant to compete to defeat the state, or to foster the power to direct the overall state policy. What their supporters expect is a kind of concessions, benefits, policy changes, institutional reforms, justice and accountability that are all oriented to the fulfillment of public rights or public affairs rather than individual persons or exclusive groups [37]. A more micro-term stance on the role of society in the settlement of crime is a well-organized and accountable public attitude in participating to uphold the law and to defend collective rights and obligations collectively. Participation or the role of the community in terms of participating in settling the crime that occurred related to the implementation or law enforcement, Soerjono Soekanto [38] uses the term law enforcement.

The scope of law enforcement is immense, since it includes those who directly and indirectly engage in law enforcement. This law enforcement field not only covers law enforcement but also peace maintenance [39]. Sociologically, every law enforcer has status (status) and role (role). The social position is a particular position within the social structure, which may be high, medium or low. The position is actually a container whose contents are rights and obligations. Therefore, then someone has a certain position which is commonly called role holder (role occupant). The role that is also performed is sometimes also called role performance or role playing. It may be understood, that the ideal or the ideal role, comes from other parties or parties, whereas the role that is perceived by the self and the actual role that it does is derived from the individual. It is certainly true that in reality these roles function when a person is in contact with another party (role sector) or with some party (role set). A right is actually an authority to do or not to do, while obligations are a burden or a task. Soerjono Soekanto emphasized again that certain roles can be translated into the following elements [40]:

1. Ideal role;
2. Expected role;
3. Perceived role;
4. Actual role.

In that connection, what is meant by the role of society is that there are elements of society from all walks of life (including law enforcement officials) involving themselves directly or indirectly with specific intentions and purposes. For example, the role of society for the settlement of criminal offenses, although one of them can not distinguish that role in relation to law enforcement (or applicable law), and which role it is in, as the four kinds of definition of the role called by Soerjono Soekanto. To be sure that the statement is a form of community participation that is directly or indirectly involved in solving legal problems, especially the discovery of ways to deal with crimes that have been acute already. The participation of the community in participating in resolving the brawl between villages is an action that must be related to the law, and any action related to the law requires a basis that can be used as legal umbrella, so that the participation of the community in taking legal action does not violate rules that have been determined, or in other words the action is an action that does not go beyond the applicable law lines. Since the formation of society, has grown the values and norms prevailing in society. Prevention efforts against deviations and prevailing social norms have evolved in a value system which then institutionalized in the form of security institutions and public order villages/villages as a form of community participation in maintenance of security and order. The nature of mutual cooperation (collectivity) in the form of public participation in the field of security and order, gradually transforms into individualistic traits.

In order to prevent the consequences of this individualization process it is necessary to attempt to restore the mutual property, especially to the togetherness in maintaining security and order in the village and town, although with certain modifications in accordance with the development of society [41]. From the description above, of course we are still wondering, how the form of community participation in resolving cases of crimes that have occurred and whether the participation of the community there is a legal basis? In addition to Law Number 31 Year 1999 on the Eradication of Corruption as amended by Law Number 20 Year 2001 regarding Amendment to Law Number 31 Year 1999 concerning the Eradication of Corruption, there is also Law of the Republic of Indonesia Number 39 Year 1999 on Human Rights (HAM). In the Law of the Republic of Indonesia Number 39 Year 1999 on Human Rights, the Participation of the Community is regulated in several Articles, namely:

Article 100: "Every person, group, political organization, community organization, non-governmental organization or other social institution, entitled to participate in the protection, enforcement, and promotion of human rights ."

Article 101: "Every person, group, political organization, community organization, non-governmental organization or other public institution shall have the right to report on the occurrence of human rights violations."

Article 102: "Every person, group, political organization, community organization, non-governmental organization or other social institution shall have the right to propose the formulation and policies relating to human rights to Komnas HAM and / or other institutions."

Article 103: "Any person, group, political organization, community organization, non-governmental organization, university, study institution or other public institution, either individually or in cooperation with Komnas HAM may conduct, educate and disseminate information on the basic human rights."

We all know that in every case of brawl between villagers/districts that happened, there are a few elements of human rights violation. This can be seen with the presence of people and/or some people (groups) who become victims of violence, thus the rights of people or groups have been violated. Public participation in the Act is in spite of the human rights context, from the right to submit reports of human rights violations up to convey information about human rights. Of course, in the case of providing reporting or information must be accompanied by preliminary evidence so that the report is not assessed as a false or slander report, and for its participation the public must obtain legal protection.

To build public participation in the form of rights and obligations in the effort to participate in maintaining the stability of internal security, has been explained in writing as mentioned in the 1945 Constitution of the State of the Republic of Indonesia Amendment to Article 30, namely:

1. Every citizen shall have the right and obligation to participate in the defense and security of the state;
2. The defense and security of the state shall be carried out through the defense and security system of the people by the Indonesian National Army and the Indonesian National Police as the main force, and the people as the supporting force;
3. The Indonesian National Army consists of the Army, Navy and Air Force as a state instrument in charge of defending, protecting and maintaining the integrity and sovereignty of the state;
4. The State Police of the Republic of Indonesia as a state instrument that maintains the security and public order of duty to protect, protect, serve the community, and enforce the law;
5. The composition and position of the TNI, the Police, the relationship between the authority of the TNI and the Police in carrying out its duties, the conditions of citizens' participation in defense and security efforts shall be regulated by law.

In accordance with the legal basis above, the fulfillment of the rights and obligations of the public to participate in the efforts of internal security within the framework of the Defense and Security System of the People (Sishankamrata) is to place the community as the supporting force as regulated in the law. Regarding the recognition of the state to the community in the settlement of problems occurring in public life, the 1945 Constitution of the State of the Republic of Indonesia, the Third Amendment, also regulates it as referred to in Article 18 B paragraph (2) as follows:

"The State recognizes and respects the unity of indigenous and tribal peoples along with their traditional rights as long as they are alive in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia laid down in law".

When viewed from the perspective of the sociology of law, Sajtipto Rahardjo argues that the State as set forth in Article 18 B above is a rational construct established above and by marginalizing the basis of a natural social order. The state reached its present peak shape only since the 18th century. Industrialization, the capitalist mode of production economy, requires a different social order than the former. Specially organized countries are the choice because they are able to meet these demands. Since then the world is inhabited by countries and the System of State emerges [42].

Then, how the form of community participation in preventing and resolving cases of brawl among villagers/districts? Explicitly the positive laws prevailing in our country there is nothing that regulates community participation in settling crime in the form of brawl between villages/districts. Nevertheless, every citizen has the inherent right to participate in the prevention and settlement of brawl between villages/districts. As is the case with the Law that regulates the Eradication of Corruption, the Law on Human Rights as described above, in the case of tackling and resolving cases of fraternal brawl between villages, the community also has the right to prevent, obtain, and report or provide information on cases of brawl between villagers/districts, and of course there are still other forms related to community participation in combating brawl citizens between villages/districts. In accordance with the Law of the Republic of Indonesia Number 7 Year 2012 on the Handling of Social Conflict, the handling of conflicts is a series of activities carried out systematically and planned in situations and events both before, during

and after conflicts that include conflict prevention, cessation of conflicts, and post-conflict recovery. What is meant by prevention of Conflict is a series of activities undertaken to prevent conflicts with institutional capacity building and early warning systems. Cessation of conflicts is a series of activities to end violence, rescue victims, limit extensions and escalation of conflicts, and prevent the increase in the number of victims and the loss of material harts. Post-conflict recovery is a series of activities to restore circumstances and improve the harmonious environment of conflict-affected communities through reconciliation, rehabilitation and reconstruction activities. According to the law the community can participate in the handling of conflicts including: conflict prevention; cessation of conflict; and post-conflict recovery. The role of the community as intended can be carried out by: a. Religious leaders; b. Adat leaders; c. Public figure; and d. Customary institutions; and or e. Social pranana.

The role of the community as intended can be in the form of: a. Financing; b. Technical support; c. Provision of minimum basic needs for conflict victims; and / or d. physical and mental help [43]. Based on the idea of community participation in prevention and settlement of villagers between villages, the Indonesian National Police (Polri) also implemented a program to invite the community to actively participate in the settlement of existing problems and also as an effort to build partnership with the community through Community Policing program or better known as Polmas. The term Polmas is actually nothing new. In 2005, Chief of Police Sutanto began to implement the idea of Community Policing (Polmas). Prior to being implemented as an official program by National Police Chief Sutanto, the idea of Polmas was tested through a pilot project involving external agencies, such as the International Organization for Migration (IOM), JICA / Japan, the Asia Foundation, Partnership for Government Reform, and UNHCR. IOM included training in seven Polres for three years, while JICA/Japan conducted training in Bekasi for four years in several Police Sector. Donor organizations such as JICA / Japan, Asia Foundation, Partnership for Government Reform, and UNHCR in the past have also conducted pilot projects in the implementation of community policing [44].

The concept of Polmas was then standardized on October 13, 2005, through the Decree of the Chief of Police. Pol. Kep / 737 / X / 2005 where Community Policing is a policy that must be implemented by all Police. Polmas is a new paradigm to make the Police as guardian, protector, and public servant. The idea of Polmas in Indonesia emerged by referring to similar programs in other developed countries such as Japan, Australia, the United States, and Britain. Polmas was developed as an alternative, because during this time the police tend to see themselves as the holder of authority and the police institution is viewed solely as a tool of the state. This causes the police tend to approach even repressive power in carrying out the task. Toward the end of the term of office, in 2008 Chief of Police Sutanto updated the regulation on Polmas with the Regulation of Chief of Police Number 7 of 2008 on Basic Guidelines and Implementation of Community Policing in the Implementation of Polri Duties. The emergence of the idea of Polmas get reactions, because it is considered going to form "Private Police" or civil society who trained to Police. Including up to now with concerns Polmas will imitate PAM Swakarsa which is a civilian militia formed TNI in the era of Wiranto became Commander of ABRI in 1998. In Law No. 7 of 2012 on Handling Social Conflict Article 12 explains Conflict Resolution is done through: Termination of physical violence; Determination of Conflict Status; Emergency action of rescue and victim protection; and/or assistance in the use and deployment of TNI forces. On May 26, 2015, Badrodin Haiti Police Chief withdrew the old regulation on Polmas, and issued a new Police Regulation No. 3 of 2015 on Community Policing. This regulation adopts Polmas models in other countries such as Koban and Chuzaiso (Japan), Neighborhood Watch (UK) to Polmas concepts in New Zealand and Australia. The Police Regulation No. 3 of 2015 stipulates that Community Policing or Polmas is an activity to invite the community through the partnership of Polri and community members, thus detecting and identifying the problems of Security and Public Order (Kamtibmas) in the environment and finding solutions to the problem. Through this rules mentioned that Polmas developers are every member of the Police who perform the task of Community Policing. While the Polmas caretaker in the village or district is Bhayangkara advisor Security and Public Order (Bhabinkamtibmas). Even so, Polmas caretakers are not limited to Bhabinkamtibmas, but all members of the Police, including those in the Technical functions such as Binmas, Sabhara, Lantas, Detectives, Intelligence, Water Pol, Air Pol, Animal Police, Vital Object Police to Brimob with different roles according to their respective technical functions [45].

Polmas strategy is to involve the community, government and other parties in preventing,

preventing to tackle security issues in a partnership equivalent to the Police. Including by going to the house to house residents (door to door system) in each assignment area. In this partnership process, a Police and Community Partnership Forum (FKPM) will be established as a communication tool to find solutions to social problems. However, the Police impose strict rules on FKPM. Among them FKPM is prohibited from forming a task force (satgas) from civilians, prohibition of police action, prohibition of using police attributes or linking FKPM with practical political activities. In practice, the concept of Polmas uses principles such as intensive communication, equality and partnership, transparency, personal/ personal rather than formal or bureaucratic approaches, and proactive attitudes and so on. The Community Policing program can be declared successful through several indicators, indicators of the aspect of the Polmas developer include:

1. Awareness that the community as stakeholders must be served;
2. Increasing the sense of responsibility to the community;
3. Increasing the spirit of serving and protecting the community as a professional obligation;
4. Increased preparedness and willingness to accept public complaints / complaints;
5. Increased speed of responding to complaints/ complaints / reports of the community;
6. Increased speed in coming to the scene;
7. Increased preparedness to provide much needed assistance to the community;
8. Increased ability to solve problems, conflict/ disputes between citizens;
9. Increased intensity of official visits to citizens.

While the Indicators of the Aspects of Society, Judged from:

1. Polmas and Bhabinkamtibmas caretakers easily contacted by the community;
2. Post/counter complaints/reports easily found by the community;
3. Complaint mechanisms are easy, quick, and straightforward;
4. Response/response to complaints quickly/ immediately obtained by the community;
5. Increased public confidence in the Police;
6. Increasing the ability of FKPM in finding, identifying the root of the problem and its resolution;
7. Increased community independence in overcoming problems in their environment;
8. Reduced community dependence on the police, and Increased public support in providing information and thought.

Once we know that society has significance through its participation in preventing all the problems that exist in its environment, then in this case the community is required to always be active in playing its role, the main problem is whether or not the people use that right.

Conclusion

Criminal policy in the handling of social conflicts The concept of Community Policing was then standardized on October 13, 2005, through the Decree of the Chief of Police. Pol. Kep / 737 / X / 2005 where Community Policing is a policy that must be implemented by all Police. Polmas is a new paradigm to make the Police as guardian, protector, and public servant. The idea of Polmas in Indonesia emerged by referring to similar programs in other developed countries such as Japan, Australia, the United States, and Britain. Polmas was developed as an alternative, because during this time the police tend to see themselves as the holder of authority and the police institution is viewed solely as a tool of the state. This causes the police tend to approach even repressive power in carrying out the task. Toward the end of the term of office, in 2008 Chief of Police Sutanto updated the regulation on Polmas with the Regulation of Chief of Police Number 7 of 2008 on Basic Guidelines and Implementation of Community Policing in the Implementation of Polri Duties. In Law No. 7 of 2012 on the Handling of Social Conflict.

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