

# JURIDICAL ANALYSIS OF THE ROLE OF THE INTELKAM UNIT IN PROVIDING EARLY INFORMATION AS A MANAGEMENT OF MAINTAINING STABILITY AND SECURITY OF THE STATE (RESEARCH STUDY AT BARELANG POLICE)

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## ABSTRACT

*In order to achieve a conducive situation of security and public order, the Government of the Republic of Indonesia through the Indonesian National Police has formed a unit known as Security Intelligence (Intelkam) which acts as the eyes and ears of the National Police unit which is obliged to carry out early detection and provide warnings of problems and issues. development of problems and changes in social life in society. In this study, we will examine the role of the Intelkam unit in providing initial information as an effort to maintain state stability and security. The approach method in this research is a combination of methods between the normative approach of "legal research" with the empirical approach of "Juridical Sociologies". The results of the study indicate that in an effort to maintain state stability and security, Intelkam applies the method used in the implementation of Intelpampol detection by using the applicable HTCK Pattern in accordance with the HTCK Guidelines covering Vertical, Horizontal, Diagonal and Cross-Sectoral HTCK and HTCK in relation to Community Intelligence where in collecting Information material is carried out through 3 channels, namely formal structural pathways, operational pathways and subsurface network paths.*

**Keyword :** *Intelligence, Security, Society, Stability.*

## INTRODUCTION

The situation of Community Security and Order (Kamtibmas) is something that is highly coveted by the whole community. With safe and orderly conditions, it will give birth to a feeling of calm and peace for every community and increase motivation and enthusiasm for work. This is because people do not have any fear of possible disturbances.

Indonesia as a country that longs for a safe and orderly life assigns a special institution that is responsible for the realization of this hope, namely the Indonesian National Police (Polri). As stated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the National Police is part of the state apparatus whose duty is to maintain public security and order, to enforce the law, and to provide protection, protection and services to the community. This institution is responsible for seeking, preventing, and eliminating any symptoms that may appear and may disrupt security and order in the community. Community security and order is a situation that is needed to support the implementation of development and all community activities.

The duties and responsibilities of the National Police are not an easy job, because in reality the control of public order and crime has a tendency to increase from year to year in line with the development of various aspects of people's lives. Meanwhile, a conducive security and order situation in the region is absolute, in order to realize in order to support the implementation of regional development up to the national level, including the running of the wheels of government and the nation's economy.

In order to support the performance of the National Police in terms of Kamtibmas, then a special field named Intelkam was formed which is tasked with conducting investigations, security and raising in order to maintain stability, security and conducive public order. The intelligence function of the police plays a very important role in providing input to leaders regarding the development of security and order in society. Sharp and accurate intelligence analysis is needed so that all possibilities regarding the development of security and social order can be anticipated by the police. So the role and function of intelligence and security is required in carrying out its duties in dealing with the development of the security and security paradigm that occurs in their respective areas of duty (Ahmad & Djanggih, 2017).

One of the vital tasks of intelligence and security is to act as the eyes and ears of the National Police unit which is obliged to carry out early detection and provide warnings/problems and the development of problems and changes in social life in society (Satjipto, 1983). In addition, Intelkam is also required to be able to identify threats, disturbances, or obstacles to Kamtibmas.

In an effort to carry out its duties, the National Police Intelligence and Security Service developed a work system which was later called the Intelpampol Detection System. This system is part of the Intelpampol Operational System in order to realize the Intelpampol capabilities as specified. In essence, this early detection system starts from the basics of implementing Intelpampol tasks (Philipus, 2007). The basics of carrying out the duties of Intelpampol stem from the understanding that intelligence is for the leadership in its qualifications as head/commander, as an element of the government, as community leader, as the father of the big family of the police. Where the implementation of Intelpampol duties is carried out by the Intelpampol network above the surface in a formal structural manner supported by the existence of an intelligence network below the surface.

The method used in the implementation of Intelpampol detection is to use the applicable Work Procedures Relationship Pattern (HTCK) in accordance with the Working Procedures Relationship Guidelines (HTCK). In addition, the Kirka preparation method is also used according to the Technical Guidelines for the preparation of the Intelpampol Kirka which is held as an object as a detection target starting from the three dimensions of National Security and National Security which includes the dimensions of threat weight ranking, degree of probability ranking, and regional vulnerability ranking. Thus the predicted intelligence has the meaning of an "early warning" for those responsible for determining plans and steps.

Any information provided by members of the National Police Intelligence Service which aims to provide input to the leadership for early detection is not only given in a raw manner, but through processing stages with high analysis. The analysis process has two objectives, namely:

- 1) to seek factual truth;
- 2) to create a connection between the problems.

In practice, the difference between analysis and integration is not always clear. Usually the two processes run together. Analysis and integration complement each other in producing these changes. Both are a combination of inductive and deductive reasoning that goes on from the original facts to the final conclusion. Inductive logic goes from the specific to the general, deductive logic goes from the general to the specific. Conclusion is the most important part in the analysis process. The analysis must reach a conclusion, which is the final part in writing. The conclusion contains a brief summary drawn from the core of the discussion (analysis), then projected into the future in the near or long term. This is similar to "Estimates" regarding the main theme of the article.

After going through a long analysis, it will produce an accurate intelligence product. This is where the role of intelligence is to provide input to the leadership to find out the development of public order and security, especially in the era of globalization, where democratization, openness and human rights are central issues that spread throughout the world. This causes high demands on the role of the Police as law enforcers, protectors and protectors of the community. Therefore, it is natural for intelligence to be the leading component in responding to these demands.

Intelligence will function as a unit if the intelligence organization is solid enough, its systems and methods develop according to the nature of the threats it faces. But what is more important is the implementation of intelligence tasks, both individuals and units must have a high commitment to intelligence, as well as implement and develop intelligence theory in changing field conditions, and produce sharp, accurate and reliable intelligence products according to the needs of the unit in preventing disturbances of public order that may occur. From the results of early detection, if the Ipoleksusbudkam (Sumarsono, 2001) field is found, in general, it tends to be stable

and under control. This situation provides a conducive atmosphere in community life and government activities. Although within a certain period of time there are various disturbances of public order and security in various forms with increasing intensity, with early detection they can generally be handled.

The number of disturbances in public order and security in the form of conventional crimes, transnational crimes, crimes against state assets and crimes with contingency implications can also be resolved optimally with early detection. Thus, in general it is not perceived as a disturbance in people's lives so as to create a conducive kamtibmas environment for the running of the wheels of community and government life in accordance with the intelligence and security vision, namely the realization of a professional, moral and modern Security Intelligence posture in maintaining security.

## **PROBLEM FORMULATION**

Referring to the main problems above, the researchers will describe some of the problems in this study, among others, as follows;

1. How is the legal regulation of the role of the intelligence unit in providing initial information as a form of maintaining state stability and security (Research Study at the Bareleng Police Station)?
2. How is the implementation and implementation of the role of the intelligence unit in providing initial information as a form of maintaining state stability and security (Research Studies at the Bareleng Police Station)?
3. What factors are the obstacles/obstacles as well as solutions that will be carried out by the unit providing initial information as a form of maintaining state stability and security (Research Study at the Bareleng Police Station)?

## **THEORETICAL FRAMEWORK**

The word theory in Legal Theory can be interpreted as a unity of views, opinions, and understandings related to reality that are formulated in such a way, so as to allow spreading hypotheses that can be studied (Mertokusumo, 2012). In writing this thesis, the theory used is in the form of the main theory (Grand Theory), Supporting Theory (Middle Theory) and Application Theory (Application Theory).

The Grand Theory used by the researcher is positive law theory. The basis of this theory is to state that the law is the command of the ruler. Various analyzes of legal concepts are a worthwhile endeavor. Such an analysis is different from sociological and historical study and also different from a critical assessment. The various decisions can be logically deduced from the pre-existing regulations, without the need to refer to social goals, policies and morality.

In positive law theory, it is also explained that moral judgment cannot be enforced and maintained by rational reasoning, proof or testing. And the law as promulgated, stipulated by the positum, must always be separated from the law that should be created, which is desired. This is what we now often accept as giving meaning to Positivism.

The middle theory in this study is the legal system proposed by Lawrence M. Friedman. The essence of this theory explains that the success or failure of law enforcement depends on three elements of the legal system, namely the legal structure (structure of law), legal substance (substance of the law), and legal culture (legal culture). The legal structure concerns law enforcement officers, legal substance includes statutory instruments and legal culture is a living law adopted in a society.

Finally, as applied theory in this study, Bentham's utilitarian theory is used which says that the essence of happiness is the enjoyment of a life free from misery. Legal certainty for the realization of legal benefits in society will guarantee a person to conduct behavior in accordance with applicable legal provisions, otherwise without legal certainty, a person does not have standard provisions in carrying out behavior. Legal certainty refers to the implementation of life order which in its implementation is clear, orderly, consistent, and consequent and cannot be influenced by subjective conditions in people's lives.

## **CONCEPT FRAMEWORK**

### **1. Juridical Analysis**

The activity of juridical analysis is to collect relevant laws and other bases to then draw conclusions as solutions or answers to problems. The purpose of the juridical analysis activity is to form a mindset in solving a problem in accordance with the research. In this study, what is meant by the author as a juridical analysis is an activity to find and break down the components of a problem to be studied more deeply and then relate it to the law, legal rules and applicable legal norms as a solution to the problem.

### **2. The Role of The Intelligence Unit**

The word intelligence comes from the English "Intelligence" (noun), which literally means intelligence (general sense). Specifically related to efforts to secure the State and the Nation. In this case, intelligence is also a knowledge that needs to be known beforehand, in order to determine steps with calculated risks. In other words, intelligence is needed to make the right decisions in three aspects, namely planning, wisdom and how to act (cover of action).

Security Intelligence is Intelligence that is implemented in the implementation of the main tasks of the National Police from the definition of Intelligence in general associated with the understanding of Police Intelligence, the characteristics will be seen as follows:

- a. Intelkam is in two task environments, namely in carrying out the duties of the National Police and in the context of implementing the National Intelligence (Intelligence Committee).
- b. Intelkam in its duties participates in securing National Politics, but in its implementation it is still subject to restrictions, because of its position which is one part of the Police of the Republic of Indonesia.
- c. The Intelkam function is basically carried out by every member of the National Police, while the Intelligence Force or other apparatus, the Intelligence function is only carried out by personnel or members of the Intelligence element.

### **3. Community Security and Order**

Peace and order comes from the basic words "peaceful" and "orderly" whose meaning according to WJS Poerwadarminta is: "Tranquility is safe or (not in chaos, not in chaos) for example in a safe area, people work happily, calmly (not restless, calm heart, mind). Furthermore, order is rules, good regulations, for example, orderly procedures in court (meetings and so on), program events, legal order, namely rules related to law. Order means rules, politeness, good behavior in association, conditions and good order.

Based on the two understandings above, there is a close relationship where with a sense of security, people feel calm, then a law-abiding society arises with all applicable regulations and vice versa with an orderly attitude towards something where mutual respect for existing regulations, mutual understanding of each other's position, respectively, then the community can feel that under the conditions that they face, the community can feel safe physically and psychologically, peacefully and calmly without any disturbance and that is what is called the creation of a peaceful atmosphere.

## **RESEARCH METHOD**

The approach method in this research is a combination of methods between the normative approach of "legal research" with the empirical approach of "Juridical Sociologies". The research mechanism with this combined approach method is carried out by elaborating the explanation of the research in an inductive way leading to a deductive way and vice versa. This is done by researchers to help explain the position of the relationship between research variables and research objects so that they can produce an understanding that is very helpful for readers, especially researchers and academics.

## **DISCUSSION**

### **1. Legal Arrangements Regarding the Role of the Intelligence and Security Unit in Providing Initial Information as a Form of Maintaining State Stability and Security**

The intelligence agency within the Police was established after the formation of the National Police Service (DKN) on August 19, 1945 which was determined by the Preparatory Committee for Indonesian Independence (PPKI) and the appointment of RS. SoekantoTjokrodiatmodjo as the Head of the National Police (KKN) which was under the control of the Ministry of Home Affairs. . The birth of Maklumat X on November 3, 1945 which freed the public to form political organizations and parties, became the starting point for the existence of the National Police Intelligence Agency. This is because the surge in people's aspirations and interests is assumed to create an unfavorable situation for the enforcement of domestic security as a result of the large number of new political parties and community organizations that have been established.

Furthermore, in early 1946 an intelligence force was formed which was able to prevent and overcome security disturbances caused by the activities of these communities. The function and role of this police intelligence agency was named the Community Stream Supervision (PAM), led by R. Moch. Oemargatab. The main task of Supervision of Community Streams (PAM) is indeed more specific in monitoring community activities than the Special Agency (BI) led by Zulkifli Lubis which is more directed to political dynamics and the development of counterintelligence against the Netherlands and its allies.

Over time, the State Police Department (DKN) was then removed from the Department of Home Affairs, with the issuance of Government Decree Number 11/SD of 1946 on July 1, 1946 so that the organizational structure of the State Police Department (DKN) was directly under the Prime Minister. This change also has implications for the existence of the Community Stream Supervision (PAM), as an intelligence unit in the Police, which has undergone a division of main tasks from very general to more specific.

In the Supervision of Community Streams (PAM), prior to the issuance of Government Stipulation Number 11/SD of 1946, the main task was to supervise all sects and focus all their interests on the needs and goals of a person or group of people existing or arising in the territory of the Republic of Indonesia. Indonesia or those who come from outside, who are deemed to be able to endanger the unity of the Indonesian state and otherwise assist the needs and aspirations of a person or group of people who intend to make the state and security of the Republic of Indonesia a better place to be and other research and analysis tasks.

After the reform and separation of the Indonesian National Police from the Armed Forces of the Republic of Indonesia, the structure of the Indonesian National Police was reorganized through Law of the Republic of Indonesia Number 2 of 2002 concerning the State Police of the Republic of Indonesia, State Gazette of the Republic of Indonesia of 2002 Number 2 and Presidential Regulation No. 52 of 2010. The National Police's Baintelkam is the implementing element of the main task of security intelligence under the National Police Chief; and the National Police's Baintelkam tasked with assisting the National Police Chief in fostering and carrying out the security intelligence function for the purpose of carrying out the duties and management of the National Police in general in order to support the implementation of government tasks in the context of realizing domestic security.

Based on Presidential Instruction Number 5 of 2002, all intelligence activities in Indonesia are coordinated by the State Intelligence Agency, which was later strengthened by Law of the Republic of Indonesia Number 17 of 2011 concerning State Intelligence, State Gazette of the Republic of Indonesia of 2011 Number 105. In that Law It also stipulates that the Intelligence of the Indonesian National Police is the organizer of the police intelligence function (Paragraph 3, Article 12, Paragraph 1) and is the organizer of state intelligence together with the State Intelligence Agency (BIN), Prosecutor Intelligence, Indonesian National Army Intelligence (TNI), and Ministry/Agency Intelligence. The law also stipulates further limits and provisions regarding the tasks and functions of intelligence.

## **2. Implementation of the Role of the Intelligence and Security Unit in Prividing Initial Information as a Form of Maintaining State Stability and Security**

One of the duties of intelligence is as the eyes and ears of the National Police unit which is obliged to carry out early detection and provide warnings of problems and developments in problems and changes in social life in society. And can identify threats, disturbances, or obstacles to Kamtibmas. In the police intelligence, there is an Intelpampol detection system, this system is part of the Intelpampol Operational System in order to realize the Intelpampol capabilities as specified.

In essence, this early detection system starts from the basics of implementing Intelpampol tasks. The basics of carrying out the duties of Intelpampol stem from the understanding that intelligence is for the leadership in its qualifications as head/commander, as an element of the government, as community leader, as the father of the big family of the police. Where the implementation of Intelpampol duties is carried out by the Intelpampol network above the surface in a formal structural manner supported by the existence of an intelligence network below the surface. The Intelpampol Detection System can be seen from the subject of the organizer, the method used and the target object. Intelpampol detection is carried out through the Intelpampol network above the surface (formal structural Intelpampol network) starting from the Polsek level to the Police Headquarters level by setting Polsek as the Detection Base for Intelpampol, Polres as the Operational Base and Polwil and above provide Operational Back Up.

The method used in the implementation of Intelpampol detection by using the applicable HTCK Pattern in accordance with the HTCK Guidelines includes Vertical, Horizontal, Diagonal and Cross-Sectoral HTCK as well as HTCK in relation to Community Intelligence where the collection of information materials is carried out through 3 channels, namely formal structural channels, operational channels and subsurface pathways. In addition, the Kirka preparation method is used according to the guidelines for the preparation of the KirkaIntelpampol. The object as a detection target is based on 3 dimensions of National Security and Security which includes the dimensions: Threat weight ranking, degree of probability of occurrence and regional vulnerability ranking.

An early detection system that runs at the regional level will produce intelligence information obtained through a processing process from the information obtained. Information materials are basic materials that are still raw. Some raw materials meet the requirements and some do not qualify for intelligence. Raw materials that qualify

for intelligence are materials related to security issues, which are reliable sources and relevant to the problem being sought or needed.

Intelligence as information material that has been processed is the final result or product of processing which is then submitted to the user parties to be used as material for the preparation of plans and policies to be taken and which allows material to make decisions. In this case, intelligence is also a knowledge that needs to be known beforehand, in order to determine steps with calculated risks. In other words, intelligence is needed to make the right decisions in three aspects, namely planning, wisdom and how to act (cover of action).

Predicted intelligence (Forecasting) has an important role for intelligence. Because past developments and current developments are reflected by the Basic Descriptive Intelligence and Actual Intelligence, while the predicted intelligence predicts developments that will occur in the future as a continuation of the ongoing development process. In other words, as a form of speculative picture of what will happen. Thus the predicted intelligence has the meaning of an "early warning" for the party responsible for determining plans and steps.

### **3. Inhibiting Factors and Solutions for the Role of the Intelligence and Security Unit in Providing Initial Information as a Form of Maintaining State Stability and Security**

Police intelligence plays a very important role in providing early detection of any turmoil that may occur in the community that can disrupt the security and security situation, where security and security disturbances can affect the development of the nation. The process of early detection of police intelligence is carried out not only with improvised information products but through various stages of data processing and also using in-depth analysis to produce accurate information. Existing information is made in the form of intelligence products that are presented to the leadership in order to provide input to the leadership to help determine the policies to be taken to anticipate disturbances in security and order.

The leadership's policies related to anticipating disturbances in the Kamtibmas are very useful for creating a conducive kamtibmas, with early detection the leadership can determine the right policy steps, with the accuracy of these policies so that the security and security environment can be maintained in accordance with the main tasks of the National Police.

Early detection in the role of intelligence provides input to leaders to find out the development of public order and security that occurs especially in the era of globalization, where democratization, openness and human rights are central issues that spread throughout the world, causing high demands on the role of the Police as law enforcers, protectors and protectors of the community. . This early detection is the first step that can determine the direction of the police action that will determine the success of the National Police as the agency most responsible for national security.

Improving Police Intelligence Capability. Increased investigation capabilities, which need to be improved are as follows: First, the following group/organization capabilities: Intelligence Unit capability, must be able to carry out and implement Intel's roles such as investigation, security and fundraising as a Unity and able to compile data or information created by field implementers (units) to the presentation of products in the form of products to users that are on time, on target, appropriate, for further decision making with accurate data; The ability of the Intelligence unit, must be able to carry out and answer security laws given by the user by using the 7-step management owned by Intelligence and provide reports in the form of unit products to the security lawgiver.

Second, individual capabilities as follows: Enhanced investigation capabilities; Action agents in carrying out investigations must continue to be guided by the stages of the investigation, namely planning, collection of baskets, processing of bakets and presentation, of course, to get all of that, they must use open or closed methods according to the targets at hand.

Individual agents must be able to form a network that can assist in finding and providing information about targets. How to act against this is as follows: Form a counter network. Conducting investigations using the target priority pattern, by infiltrating agents who have mastered regional characteristics. Activating all members of the Police as open agents of any incident required to make an information report. Enhanced Security Capabilities.

The ability to secure personnel individually, it is hoped that Intel personnel will be immune to the mobilization of opposing parties, and can avoid actions that can harm the duties of the National Police (Pungli, Arrogant, unwary, and others). Improved ability to control activities. Intelligence activities are carried out through several stages prior to implementation in accordance with the Intelligence cycle from the planning stage to the presentation stage, therefore control is needed in the implementation.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **1. Conclusion**

- 1) Legal arrangements that regulate the role of security intelligence in conducting early detection of the development of disturbances in security and public order are regulated in Law of the Republic of Indonesia Number 17 of 2011 concerning State Intelligence, State Gazette of the Republic of Indonesia of 2011 Number 105. In Law It also stipulates that the Intelligence of the State Police of the Republic of Indonesia is the organizer of the police intelligence function (Paragraph 3, Article 12, Paragraph 1) and is the organizer of state intelligence together with the State Intelligence Agency (BIN), Prosecutors Intelligence, Indonesian National Army Intelligence (TNI), and Intelligence Ministries/Agencies.
- 2) Implementation of the role of security intelligence in conducting early detection of the development of disturbances in security and public order. From the results of early detection, if the Ipoleksusbudkam field is found, in general, it tends to be stable and under control. This situation provides a conducive atmosphere in community life and government activities.
- 3) In an effort to improve the stability and security of the state, the National Police's Intelkam always improves two things, namely improving the quality of the organization and the quality of personal membership.

## 2. Suggestions

- 1) So that the Polri's intelligence and security early detection system gains more understanding and attention so that it can carry out the right anti-cattle later when carrying out tasks in the field.
- 2) The police intelligence early detection system plays a very important role in anticipating the threat of security and security disturbances that may occur, so it is better if the intelligence product given to the leadership must be truly accurate and not fabricated.
- 3) Increase the ability and knowledge of "intelligence", including training and workshops for members of the Intelligence Community, so that the results achieved can be more optimal, as well as making a clear division of tasks for all elements of the members of the Intelligence Community Team, so that the problems that arise can be handled more quickly.

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## REGULATIONS

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