

LAW ENFORCEMENT AGAINST VIOLATIONS OF FREEDOM OF EXPRESSION IN PUBLIC (STUDY AT THE LABUHAN BATU POLICE)

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ABSTRACT

Freedom of expression in public is a fundamental pillar in a democratic state guaranteed by the Indonesian constitution, particularly Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia and further regulated in Law Number 9 of 1998. However, in practice, law enforcement against violations of this right is often colored by complexity and challenges. Based on this, the formulation of the problem of this study is first, What are the legal regulations regarding violations of freedom of expression in public at the Labuhan Batu Police?; Second, What is the mechanism for law enforcement against violations of freedom of expression in public at the Labuhan Batu Police?; and Third, What factors are the obstacles and supporters in law enforcement against violations of freedom of expression in public at the Labuhan Batu Police?. The method used in this research is empirical legal research with a conceptual approach and statutory regulations. Data collection techniques are through observation, interviews and documentation studies with qualitative descriptive data analysis. The results of this study indicate that. First, related to legal regulations, namely the 1945 Constitution of the Republic of Indonesia and Law No. 9/1998 concerning Freedom of Expression in Public, Law (UU) Number 1 of 1946 concerning Regulations on Criminal Law, Law No. 11 of 2008, revised to Law No. 19 of 2016 concerning the Law on Information and Electronic Transactions and Regulation of the Chief of Police of the Republic of Indonesia No. 7 of 2012 concerning Procedures for organizing services, securing and handling security cases of expressing opinions in public. Second, the law enforcement mechanism is multi-layered, from pre-action to enforcement, with the Police Standard Operating Procedures (SOPs) as the primary guideline. Third, inhibiting factors include uneven human resource capacity in understanding human rights, the existence of ambiguous articles, political intervention, and a repressive legal culture. Supporting factors include the constitutional basis of the 1955 Constitution and Law No. 9/1998 as the legal basis.

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INTRODUCTIONS

Freedom of expression in public is one of the fundamental pillars in a democratic country that upholds human rights. This right is universally recognized and protected by various international legal instruments, such as the Universal Declaration of Human Rights (DUHAM) Article 19 and the International Covenant on Civil and Political

Rights (ICCPR) Article 19. In Indonesia, the constitution expressly guarantees this right through Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) which states that "Everyone has the right to freedom of association, assembly, and expression." This constitutional guarantee was then further implemented through Law Number 9 of 1998 concerning Freedom of Expression in Public. (Aryaduta et al., 2025)

Freedom of opinion is not only an individual right, but also a vital instrument for public participation in the policy-making process, supervision of the running of government, and a means to express criticism and constructive ideas for the progress of the nation. Without this freedom, democracy will lose its essence, and people will lose their voice to voice their aspirations and discontent. However, this freedom is not an absolute right. The constitution and laws also regulate certain limits so that their implementation does not violate the human rights of others, public order, morality, and national security. These restrictions are intended to maintain a balance between individual rights and collective interests . (Farida et al., 2025)

Freedom of expression is one of the main pillars in democratic life. This right is guaranteed in Article 28E paragraph (3) of the 1945 Constitution which states that every citizen has the right to express opinions and express thoughts, either individually or together, in public. This freedom is also strengthened by Law No. 9 of 1998 concerning Freedom of Expression of Opinions in Public, which aims to regulate the procedures for expressing opinions in public in a safe and orderly manner. (Amstono & Hoessein, 2025)

In Indonesia itself, freedom of opinion is almost not realized in accordance with the mandate of Pancasila because the freedom of opinion does not run in accordance with the proper way for developing countries, usually freedom of opinion is very necessary for this country to become a democratic country. Freedom of opinion is the right of every individual from birth and this right is guaranteed by the constitution. According to Sri Soemantri, by quoting Steenbeck's opinion, the 3 main content materials in the constitution are:

Guarantee of Human Rights

Basic constitutional structure,

Distribution and limitation of power. (Amelia, 2025)

One type of human rights protection is Freedom of Opinion. Freedom of opinion is a form of communication in the form of responses or criticisms, sometimes accompanied by explanations and reflections about the good and bad of something or the state of social life, freedom to express opinions in public is the right of every citizen, every human being has the right to express his opinion as long as it does not contradict the law, protection of citizens who express their opinions in public is carried out by law enforcement officials in this matter. This is the police who are in charge of escorting and securing the actions carried out so that they do not become anarchic. (Nabila, 2022)

In human rights theory, as stated by Jack Donnelly in his book *Universal Human Rights in Theory and Practice*, freedom of opinion is an essential part of civil and political rights. This freedom is also seen as a universal right guaranteed by an international instrument, namely Article 19 of the Universal Declaration of Human Rights (DUHAM), which states that everyone has the right to freedom of opinion without interference.

The will of citizens freely in expressing their thoughts orally, in writing and so on must be maintained so that the entire social and institutional order, both infrastructure and superstructure, remains free from deviations or violations of the law that are contrary to the purpose, purpose and direction of the process of openness in the formation and enforcement of the law so that it does not create social disintegration, but must actually be able to guarantee a sense of security in people's lives. (Harahap & Hidayat, 2023)

The form of public expression can be carried out by:

1. Protests or demonstrations;
2. Scott;
3. General meetings; and or
4. The pulpit is free.

In terms, a demonstration or demonstration can be defined as a statement of protest that is put forward en masse. In various other parts of the world, it is very common to have protests or demonstrations about rejection or criticism of a government, both in terms of the policies it issues and its performance. Usually, protests are held when people begin to feel uncomfortable with justice and humanity being ignored by the rulers. (Adyaguhyaka & Hartantien, 2022)

Considering that the right to freedom of expression in public opinion in Indonesia is regulated in the 1945 Constitution in Article 28 paragraph (3), which states that *"Freedom of association and assembly, expression of thoughts orally and in writing and so on is stipulated by law."*, then in article 28E the third point reads, *"Everyone has the right to freedom of association, assembly, and expression."* As stated in Law No. 39 of 1999 Articles 14-32, freedom of expression is actually obtained because of the existence of human rights. In Article 1 Paragraph (1) of the Constitution No. 9 of 1998 concerning the freedom to express opinions in public, every individual is free to express his opinion such as oral, written and others.

In its implementation, the Law on Freedom of Expression in Public is very relevant to the freedom to express opinions, this Law was formed before the second amendment to the 1945 Constitution which focused on human rights. The basis of the related constitution is in the form of the 1945 Constitution in the original text, especially Article 28 which states that:

The police in guaranteeing freedom in expressing opinions in public, namely the National Police, has issued several regulations that are permanent procedures to be carried out and implemented, including in handling anarchic protests has been guided by the Fixed Procedure of the Director of Samapta Bhabinkam Polri No: PROTAP / 01 / V / 2004, dated May 2, 2004 concerning measurable firm action against anarchic acts which contains how to carry out acts of action against the demonstrators who have been anarchic and added to the regulation of the National Police Chief No. Pol: 16 of 2006 concerning Guidelines for Crowd Control and the Regulation of the National Police Chief Number: 7 of 2012, Article 18 letter a, which explains about providing protection, security to the participants of expressing opinions, maintaining the freedom of expression of opinions, from the intervention of other parties and maintaining security and public order, if in a situation when expressing opinions in public it is against the law, then the official The police must take action professionally and proportionally in accordance with accountable procedures. (Pradana et al., 2022)

Based on the latest data for 2024-2025, Total Population (June 2025): ± 286.69 million people, The number of National Police personnel is around 436 thousand people (February 2025). From the data on the number of personnel is not yet fully available, but the projection of the ratio of personnel to the number of people has been calculated. This ratio of 1:631 shows that Indonesia is still below the ideal needs set in the Personnel Composition List (DSP), where the ideal need reaches around 700,665 personnel. Nevertheless, the performance of the National Police is considered good in the midst of the limited number of personnel. Number of Police Personnel and Ratio to Community The following are the details of the available data:

Metrics	Data
Number of National Police Personnel (2024 – Feb 2025)	436 thousand people
Total Population of Indonesia (2024)	281.6 million
Total Population of Indonesia (June 2025)	286.69 million

Ratio of Police Personnel to the Community

1:631 (one police officer serving 631 citizens)

Data sources processed, 2025

The ratio of National Police personnel to the Indonesian population is still in the range of 1: 631. This means that each member of the National Police bears the responsibility of maintaining security and order for 631 citizens. This figure is still far from the ideal ratio set by the United Nations, which is 1 : 450.

The ratio in the personnel of the National Police in the jurisdiction of the Labuhanbatu Police consists of 2 districts, namely: Labuhanbatu Regency as many as 506,085 people consisting of 9 sub-districts and North Labuhanbatu Regency as many as 381,994 people, the number of 2 districts as many as 888,079 people, while the number of Labuhanbatu Police personnel is around 721 people so the ratio is around 1 : 1,231. This limited personnel is a very crucial variable in the dynamics of law enforcement in the field, especially when facing large-scale mass actions. (Sethiawanza, 2024)

Metrics	Data
Number of National Police Personnel (2024 – Feb 2025)	721 people
Population of Lab. Batu (June 2025)	888,079 inhabitants
Ratio of Police Personnel to the Community	1 : 1,231 (one police officer serves 1,231 citizens)

In the jurisdiction of the Labuhanbatu Police, this limited personnel often requires the National Police to work extra in providing security so that the action of expressing opinions does not shift into anarchic actions that harm the public.

Problems in the expression of opinions in Indonesia are often rooted in "conflicts of interest" and low compliance of the community to submit and follow administrative procedures. Many mass groups neglect their obligations such as giving written notice that has been regulated as in Law No. 9 of 1998 in article 10 paragraphs (1), (2) and (3) which must be submitted no later than 3 x 24 hours before the activity is carried out, or even exceeding the specified time limit for the demonstration (at 18.00 WIB), in accordance with Article 6 paragraph (2) of Perkap Number 9 of 2008 is also regulated the permissible time limit, Namely between 6 am and 6 pm for open spaces. While in a closed place between 6 am and 10 pm. (Alifiana & Ahmad, 2024)

As a concrete example, in some cases demonstrations in various regions of Indonesia, including:

Demonstration Case Against the Job Creation Law (Omnibus Law) 2020: In the wave of demonstrations against the Job Creation Law in various cities, many actions did not have official notification letters or were even forcibly dispersed by the authorities because they were considered not to meet the procedures, which led to the arrest of the mass of the action.

RKUHP-Related Demonstrations: Demonstrations by various elements of society, including students, demanding transparency in the draft RKUHP and rejecting articles deemed to threaten freedom of opinion are also often marked by the issue of actions without official notification, where the police threaten to disperse the masses.

For the action without giving a notification letter to the Labuhanbatu Resort Police, there is 1 (one) example of a case, namely the Pulo Padang Community Rally Action which also carried out an action to close/block public road access which is a public facility so as to disrupt road access used by the community, where this action also caused

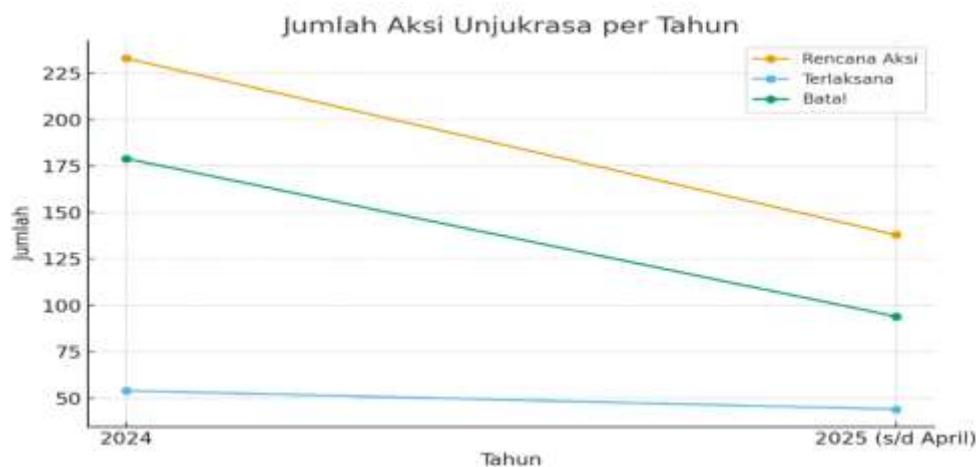
chaos and caused criminal acts of destruction and obstruction of public traffic flow to provocative actions against the apparatus led to legal action by the Labuhanbatu Police against the perpetrators. (Sari et al., 2023)

Actions that Lead to Chaos In some cases of demonstrations that end in chaos (e.g. destruction of public facilities or physical clashes), it is often known that the action is not well coordinated or does not deliver a notification letter that lists the person in charge, making it easier for the authorities to take legal action against the participants of the action.

Police action against these violations is generally carried out in stages and in accordance with the applicable Protap or SOP regulated by the Regulation of the National Police Chief (Perkap). At the moment when the masses begin to commit acts of violence together against people or goods, the National Police implements repressive measures in accordance with the SOP and based on Article 170 of the Criminal Code (Violence together) or Article 406 of the Criminal Code (Destruction of property belonging to another person/state). In addition, for demonstrators who refuse to disperse after being legally warned by the authorities, the police can apply Articles 212 to 218 of the Criminal Code regarding resistance to the general authorities. (Kharisudanya et al., 2024)

Data on Protests in the Labuhanbatu Police area from 2024 – 2025 in April where there is an Action Notification Letter :

NO	YEAR	JLH REN ACTION	IMPLEMENTED	CANCEL	ANARCHY
1.	2024	233	54	179	NIL
2.	2025 (to April)	138	44	94	NIL



Description:

The yellow line indicates the number of action plans;

The green line indicates the number of actions that are voided;

The blue line shows the number of actions performed

Theoretically, this treatment can be dissected with two points of view from 2 (two) experts using legal theories, including:

Satjipto Rahardjo's Perspective:

Law enforcement by the Labuhanbatu Police must not only prioritize *the punitive* aspect, but must go through "Police Discretion" as part of the Progressive Law. The police are required to be able to read the situation—when to be persuasive and when to act decisively to save the greater public interest.

Sutanto's Perspective:

This problem is seen as a failure in the "Legal System". Violations occur not only because of weak regulations (substance), but often because of the legal culture factor of the community who still see demonstrations as a place for the imposition of will, not an orderly dialectical space.

Due to the inequality in the ratio between Labuhanbatu Police personnel and on the one hand with the number of people in 2 (two) districts within one jurisdiction of the Labuhanbatu Police and the high social tension in the Labuhanbatu Regency area, on the other hand, it also creates urgency to research how to research the most effective law enforcement pattern so that freedom of opinion is sustainable without sacrificing regional security stability.

In law enforcement against violations of the Freedom of Expression of Opinions in public, the Labuhanbatu Police carry out regular procedures (PROTAP) and implementation operating standards (SOP) that have been set by the National Police Chief in accordance with the Police Chief's Regulation through Steps, namely:

1. Pre-emptive Stage
2. Receipt of notification letter by the Intelkam Unit
3. Preventive Stage
4. Security in the field by the Samapta / Traffic Unit
5. Repressive Stage

In the event of anarchy, the Criminal Investigation Unit takes action according to the Fixed Procedure / Protap.

Therefore, research on law enforcement against violations of freedom of expression in public has become very relevant and urgent. How the existing legal framework is applied, identifies the obstacles that arise, and formulates appropriate solutions to maintain a balance between the protection of human rights and the maintenance of public order in a democratic society. Based on the above description, the author considers it necessary to conduct an in-depth study with the title: "Law Enforcement against Violations of Freedom of Expression in Public: A Study at the Labuhanbatu Police".

METHOD

The methodology of this research was prepared as a systematic framework to answer the problem of law enforcement against freedom of expression in public at the Labuhanbatu Police by considering the local social, legal, and cultural context. This research aims to understand not only the applicable legal norms, but also the practice of their implementation in the field, so as to be able to describe the relationship between the rule of law and the reality of law enforcement by police officers. (Sukmawan & Damayanti, 2025)

The type of research used is empirical juridical research with a combinative character, which combines normative and empirical approaches. The normative approach is used to examine the provisions of laws and regulations related to freedom of opinion and police authority, while the empirical approach is focused on the study of law enforcement practices in the community. This research is inductive, with conclusions drawn based on field data to assess the effectiveness of the law and identify gaps between norms and practices.

The nature of this research is descriptive analytical, that is, it describes, examines, and systematically analyzes legal regulations and their implementation. This study seeks to document law enforcement mechanisms as well as analyze the factors that affect their implementation. Thus, the research not only presents the facts, but also provides a scientific explanation of the dynamics of law enforcement at the Labuhanbatu Police.

The source of research data consists of primary data and secondary data. Primary data was obtained through in-depth interviews with the Head of the Intelligence Unit, the Head of the Criminal Investigation Unit, and the Head of the Labuhanbatu Police Samapta Unit. Secondary data includes relevant laws and regulations, such as the 1945 Constitution Article 28E, the Police Law, the Law on Freedom of Expression of Opinions in Public, the Regulation

of the National Police Chief related to the security of protests, the Criminal Code, and the Criminal Code, as well as other supporting legal literature.

Data collection techniques were carried out through in-depth interviews, document studies, and field observations on the implementation of protests and police responses. Data analysis is carried out in a thematic qualitative manner through the stages of data reduction, data presentation, and theoretical analysis. The findings of the study were analyzed using legal system theory and progressive law enforcement theory to assess whether law enforcement at the Labuhanbatu Police Station has reflected substantive justice or is still purely procedural.

RESULT AND DISCUSSIONS

Legal Rules Against Violations of Freedom of Public Expression

Law enforcement against violations of freedom of opinion does not only depend on Law No. 9/1998, but also often involves the application of articles from the Criminal Code (KUHP) and the Electronic Information and Transactions Law (ITE Law). Articles of the Criminal Code related to insult, defamation, or sedition, as well as articles in the ITE Law regarding the spread of fake news or hate speech, are often the basis for taking action against individuals who express opinions. The use of these articles, especially the "rubber articles" in the ITE Law, has been in the critical spotlight in many previous studies because of their potential for multiple interpretations that can silence criticism and legitimate expression. Our research confirms that this practice still takes place, even in the context of physically expressing opinions in public, where the content of speeches or banners can be entangled with such articles.

Based on the results of the research, the legal rules that are the basis of the Labuhanbatu Police are integrative between laws and regulations (legal substance) and internal regulations of the Police. Normatively, Article 10 – Article 15 of Law No. 9 of 1998 is the main instrument in assessing the legality of an action. However, in its implementation, the Labuhanbatu Police also applied Article 218 of the Criminal Code and other laws related to criminal acts as a basis for dissolution if the masses ignored the officers' warnings.

Law Number 9 of 1998 concerning Freedom of Expression in Public divides the form of expression of opinion into four main categories, namely demonstrations or demonstrations, marches, public meetings, and free rostrums. A rally or demonstration is understood as the activity of one or more people to express their thoughts demonstratively in the public space, either through oral, written, or other symbols. A parade is an expression of opinions carried out through processions on public roads, while a public meeting is an open meeting held to express opinions with a certain theme. The free pulpit is an activity of expressing opinions in public that is carried out openly without restrictions on certain themes. (Saribu et al., 2024)

In its implementation, the law also stipulates a number of obligations for citizens who express opinions in public as stipulated in Article 6. These obligations include respect for the rights and freedoms of others, compliance with generally recognized moral norms, obedience to laws and regulations, and the obligation to maintain security, public order, and the integrity of the unity and unity of the nation. In addition, Article 9 paragraph (2) and paragraph (3) regulate the prohibition of expressing opinions in certain locations such as the presidential palace environment, places of worship, military installations, hospitals, ports, stations, terminals, and national vital objects, as well as the prohibition of the implementation of national holidays. This provision also prohibits participants from bringing objects that may endanger public safety.

This law requires written notification to the Police before the implementation of public opinion submission activities as stipulated in Article 10. The notification must be submitted no later than three times twenty-four hours before the activity starts and received by the local Police. The absence of a notification letter or Notification Receipt Letter (STTP) is a form of administrative violation that can have implications for the action of dissolution of activities by the police in accordance with the provisions of Article 15 of Law Number 9 of 1998. (Baihaqi et al., 2024)

Based on the results of the above discussion, several findings were found, including: First, there is a significant disparity between the progressive normative framework in ensuring freedom of opinion and law enforcement practices

in the field. Law enforcement officials are often faced with the dilemma between maintaining public order and protecting citizens' constitutional rights, leading to interpretations and applications of laws that vary between cases and regions.

Second, the effectiveness of law enforcement is greatly influenced by a series of internal and external factors. Internal factors include the capacity of human resources (HR) of law enforcement officials, their understanding of freedom of opinion regulations, and internal policies of institutions. It was found that inadequate training and partial understanding of human rights were often barriers. External factors include political pressure, third-party intervention, and the role of civil society in advocating for constitutional rights. Political intervention, in particular, has been shown to affect the direction and speed of law enforcement processes, often at the expense of the principles of fairness and impartiality. (Adyaguhyaka & Hartantien, 2022)

Third, the study identified various patterns of violations of freedom of opinion, ranging from provocative actions, hate speech, to the spread of false information (hoaxes), both in the physical and digital realms. Law enforcement responses to these patterns also vary; Violations involving violence or threats to national security tend to be dealt with firmly, while more subtle violations or those related to criticism of the government are often dealt with with a more repressive approach or using multi-interpreted rubber articles. The integration of the digital realm in law enforcement still faces major challenges regarding proof, jurisdiction, and the balance between digital freedom of expression and the protection of individuals from harmful content.

Fourth, from a multi-stakeholder perspective, it was found that victims of violations of freedom of opinion (both from those who feel aggrieved by opinions and those whose rights are restricted) often feel that they do not receive adequate justice. Offenders, on the other hand, often feel that law enforcement is discriminatory or political. Civil society highlighted the importance of a restorative and educational, not just repressive, approach to dealing with violations that do not directly harm them. This perception highlights the deficit of public trust in law enforcement institutions in maintaining a balance between rights and obligations.

Law enforcement mechanism at the Labuhanbatu Police Station

In the pre-action and implementation stages, the law enforcement mechanism is strictly bound by Law No. 9/1998, especially regarding notification obligations and permitted restrictions. Research has found that provisions regarding "notification" are often interpreted as "permissions" by officials on the ground, which substantially limits citizens' rights. In the event of a violation, such as exceeding the time limit, disturbing public order excessively, or committing an anarchic act, the enforcement mechanism will be activated. This action can be in the form of forced dissolution, arrest, and further legal proceedings. However, the definition of "disruptive" or "anarchist" is often subjective and susceptible to biased interpretation, as highlighted by Setiawan (2015) in his study on restrictions on freedom of opinion. (Pradana et al., 2022)

In the law enforcement mechanism against violations of freedom of expression in public by the Labuhanbatu Police, it is carried out in accordance with the stages in accordance with the Fixed Procedures (protap) and Standard Operating Procedures (SOP), which can be seen from 3 (three) stages, namely: the Pre-Emtif Phase Stage which facilitates early detection, mediation and coordination, and the Preventive Stage which provides humanist security and negotiation as well as the Repressive Stage, which is to make forced efforts that are measurable if there is an act of violation of the law or violent crimes that cause the situation of kamtibmas to be not conducive.

Protap and SOP can be explained as follows:

In addition, the Security Intelligence Unit (sat intelkam) coordinates with the corrupt and corrupt when they give a notification letter that a demonstration will be held, corrupt and corrupt who carry out the demonstration, some give a notification letter and some do not give a notification letter. There are also those who give a notification letter that does not meet the rules explained by the Law of the Republic of Indonesia regarding the deadline for submitting a notification letter at most 3 x 24 hours. (Alifiana & Ahmad, 2024)

Data on Protests in the Labuhanbatu Police area from 2024 – 2025 in April, including:

NO	YEAR	JLH REN ACTION	IMPLEMENTED	CANCEL	ANARCHY
1.	2024	233	54	179	NIL
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Description:

The yellow line indicates the number of action plans;

The green line indicates the number of actions that are voided;

The blue line shows the number of actions performed.

The administrative obligation in the form of notice of action to the Police is basically intended to inventory groups or elements of society that carry out protests and facilitate communication between the apparatus and the action masses. This mechanism is important considering the number of alliances formed without the supervision of the relevant agencies, so that they have the potential to be abused by certain parties for personal or group interests, both materially and immaterially, in the name of the public interest or claims of social injustice. (Baihaqi et al., 2024)

In Law Number 9 of 1998, especially Articles 6, 7, 8, and 9, the person in charge and the perpetrator of the action are required to make a statement as a form of moral and legal responsibility so that the action takes place in an orderly, non-anarchic manner, and respects the rights and freedoms of others. This provision emphasizes that freedom of expression is not absolute, but must be carried out in the corridor of law and public order. (Parhusip & Lubis, 2025)

Article 13 paragraph (1) of the same law regulates the obligations of the Police after receiving the action notification letter, namely providing a Notification Receipt Letter (STTP), coordinating with the person in charge of the action and the destination agency, and preparing for location and route security. Article 14 stipulates that the cancellation of the action must be submitted in writing no later than twenty-four hours before the implementation. Meanwhile, Articles 15, 16, and 17 affirm that sanctions can be imposed on the perpetrators or participants of the action who violate the provisions, with the person in charge of the action being subject to a criminal penalty of one-third of the principal crime. Article 18 even qualifies the act of obstructing the expression of legitimate opinions with violence or threats of violence as criminal offenses. (Saribu et al., 2024)

In law enforcement practice, the exercise of these constitutional rights often faces serious challenges due to the lack of legal awareness of the public and non-compliance with notification procedures. Nevertheless, the Police continue to make educational and communication efforts so that opinion submission activities can take place safely, orderly, and conductively according to the expectations of all parties, including the mass action itself.

The Head of the Labuhanbatu Police Intelligence Unit emphasized that the main task of the Security Intelligence Unit is not only limited to early detection of potential disturbances in security and public order, but also carries out the function of preventive communication with community groups who will carry out actions. This function is in line with Article 13 letters a and c of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia which places the National Police as an institution tasked with maintaining public security and order as well as providing protection, protection, and services to the community.

Internal data shows that not all notices of protests in Labuhanbatu lead to safe and conducive implementation. In the 2024–2025 period, there was one case of protests without official notification, namely the action of the Pulo Padang Community Group under the person in charge of Dedy Halomoan Rambe who blocked public roads and prohibited palm oil transportation vehicles from passing, thereby interfering with the public interest. (Muhammad, 2019)

The role of the Police Standard Operating Procedures (SOP) is very crucial in bridging legal norms and field practices. This study found that SOPs that are supposed to be operational guidelines are often interpreted differently by personnel in the field, and even have the potential to limit freedom of opinion beyond the legal mandate. The rigid application of time limits or no-demonstration zones without considering the context of the action often leads to forced dissolution. (Sudargo et al., 2024)

In the preventive phase, after the STTP is issued, the National Police is obliged to carry out security in accordance with Law Number 9 of 1998 and Perkap Number 7 of 2012. Security is carried out through an open system by Sat Samapta and Binmas with a negotiation approach, as well as closed security by Sat Intelkam to monitor potential intruders and provocateurs. The information of the Samapta Head shows that there are limited personnel, including the absence of an organic Dalmas Platoon, so that security is still contingency.

In the implementation of crowd control, the Labuhanbatu Police is guided by Perkap Number 16 of 2006 which emphasizes the principles of proportionality, humanity, and law enforcement. The color system is used to assess situations, ranging from disorderly conditions to chaos, with the aim of protecting the right to express opinions while maintaining public order. (Hutagaol et al., 2025)

The repressive phase is taken as a last resort if the pre-emptive and preventive stages are ineffective. The Criminal Investigation Unit is tasked with taking action against anarchist or provocateurs based on Protocol Number 1/X/2010 concerning Countermeasures of Anarchy. This protocol regulates the stages of warning, paralyzing actions, and the use of firearms in a limited and proportionate manner to maintain public security and order.

In the context of law enforcement, the Labuhanbatu Police emphasized the application of the principle *of due process of law*. The detention of one of the perpetrators, Gustina Salim Rambe, was carried out based on evidence of involvement, while other participants were subject to mandatory reporting. This legal action is affirmed not as a form of criminalization of freedom of opinion, but as law enforcement for real violations. (Mandang & Gerungan, 2023)

The views of this apparatus are in line with the principles of professionalism and transparency of law enforcement and the concept of transparency of enforcement as stated by Jimly Asshiddiqie. Academically, this approach reflects Nonet and Selznick's responsive legal theory that places law as a means of social reconciliation, not a tool of repression.

From the perspective of Soerjono Soekanto's law enforcement theory, this study shows that the effectiveness of law enforcement is influenced by legal factors, law enforcement officials, facilities, society, and culture. Multi-interpreted legal provisions, varying capacity of the apparatus, low legal awareness of the public, and a legal culture that still tends to be repressive create tension between legal idealism and practice in the field. This condition has the potential to cause a chilling effect, where people are reluctant to express their opinions for fear of disproportionate legal consequences. (Mundung, 2022)

Therefore, this study emphasizes the need for comprehensive reforms in the law enforcement mechanism of freedom of opinion. The reform must include harmonizing regulations, increasing the capacity of the apparatus,

strengthening public legal education, and changing the legal culture towards a more democratic direction and respecting pluralism of opinions so that freedom of expression does not become a fragile right in state practice.

CONCLUSION

Law enforcement against violations of freedom of expression in public at the Labuhanbatu Police is based on a multi-layered normative framework, ranging from the constitutional guarantees of Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia to the operational arrangements in Law Number 9 of 1998. The framework is also supported by criminal provisions and related regulations, such as Law Number 1 of 1946 concerning Criminal Law Regulations, Information and Electronic Transactions Law (Law No. 11 of 2008 as amended by Law No. 19 of 2016), as well as Regulation of the Chief of Police of the Republic of Indonesia Number 7 of 2012 which regulates procedures for service, security, and handling cases of expressing opinions in public.

The law enforcement mechanism at the Labuhanbatu Police is gradual, starting from the pre-action phase through the obligation to notice, followed by coordination and security, to law enforcement actions in the event of violations, such as dissolution, arrest, and criminal proceedings. The Police SOP serves as the main operational guideline, but research shows that there are variations in interpretation and application in the field, so that under certain conditions it is not fully aligned with human rights principles. Enforcement practices tend to emphasize security and public order aspects, while the use of discretion by the authorities has the potential to be influenced by subjectivity and bias in dynamic field situations.

Factors that hinder law enforcement include regulatory aspects in the form of multi-interpretation articles, especially in the Criminal Code and the ITE Law, as well as the tendency of restrictive interpretation of Law No. 9 of 1998. From the perspective of the authorities, obstacles arise from inequality in understanding of human rights, limitations in training, and the possibility of political pressure or external intervention, while from the social and cultural side, there are variations in legal awareness, potential provocations, demands for excessive restrictions, and a paternalistic culture that is less friendly to criticism. The main supporting factor lies in the existence of a constitutional foundation and the existence of Law No. 9 of 1998 as a normative basis that affirms the legitimacy of freedom of opinion while providing a corridor of responsibility in its implementation.

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