

## The Role of Law in Handling Demonstrations and Destruction of Public Facilities: A Review of Provisions in The KUHP and Enforcement Practices

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**Abstrak:** *The phenomenon of demonstrations that culminate in anarchic acts and the destruction of public facilities creates a dilemma between upholding order and protecting freedom of expression as a constitutional right of citizens. This article seeks to examine in depth the legal provisions regarding demonstrations and the destruction of public facilities as stipulated in the Criminal Code (KUHP) and analyzes the practice of law enforcement from the perspective of justice and legal certainty. The research method used is normative juridical, with a conceptual and legislative approach through a review of positive legal norms, legal principles, and expert doctrines. This approach is used to find the integration between norms and practices in law enforcement against demonstrations that culminate in anarchy. The results of the study indicate that although normatively the Criminal Code has adequately regulated through articles regarding violence against people or property, the practice of law enforcement still faces problems in applying the principles of proportionality and protection of human rights. Substantively, the law has not fully functioned as a means of social reform because it is often applied rigidly without considering the social and political context behind the demonstrations. Therefore, a progressive legal approach is needed as proposed by Satjipto Rahardjo, which positions law not only as an instrument of order, but also as a tool of justice that is oriented towards benefit and humanity.*

**Keywords:** *Demonstrations; Destruction of Public Facilities; Criminal Code; Law Enforcement*

### INTRODUCTION

The right to freedom of expression is one of the main pillars of Indonesia's constitutional democratic system. As a state based on the rule of law, Indonesia guarantees the right of every citizen to express opinions and assemble as stipulated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to freedom of association, assembly, and expression. This constitutional norm emphasizes that people's participation in national life is not only a moral right, but also a legal right that must be respected and protected.<sup>1</sup> One concrete form of the implementation of this right is demonstrations or protests as a means of conveying aspirations

regarding public policy.<sup>2</sup> However, in practice, the implementation of this right often creates tension between freedom of expression and the state's obligation to maintain public order. When people's political expression is misinterpreted or handled excessively, critical questions arise regarding the extent to which the state truly guarantees citizens' rights within the corridors of law and substantive justice.

Since the reform era of 1998, demonstrations have become a social and political phenomenon inherent in the dynamics of Indonesian democracy. Mass action serves as an instrument of social control over power, as well as a forum for the public to express dissatisfaction with policies deemed

<sup>1</sup> Hsb, Mara Ongku. "Ham dan kebebasan berpendapat dalam UUD 1945." *Al WASATH Jurnal Ilmu Hukum* 2.1 (2021): 29-40. <https://doi.org/10.47776/alwasath.v2i1.135>

<sup>2</sup> Fithriyatirrizqoh, Fithriyatirrizqoh, and Natasyah Aliyah Zhanaty. "Mengkaji Keefektifan

Gerakan Mahasiswa dalam Mendorong Perubahan Kebijakan Pemerintah Melalui Demonstrasi." *Jurnal Ilmiah Wahana Pendidikan* 10.24.2 (2024): 491-504. <http://www.jurnal.peneliti.net/index.php/JIWP/article/view/9493>

unfavorable to the public interest.<sup>3</sup> Demonstrations often reflect the tense relationship between the people and the state, where legal legitimacy is tested by complex social realities.<sup>4</sup> However, history also records that many demonstrations have ended in chaos and caused damage, both to public facilities and private property. This demonstrates that demonstrations are not only a manifestation of freedom of expression but also a reflection of weak conflict management and the unpreparedness of authorities to anticipate social escalation. This phenomenon raises both normative and empirical questions regarding the boundary between legitimate political expression and unlawful acts that harm the wider community.

One of the most striking and relevant events was the large demonstration in front of the Indonesian Parliament Building on August 25, 2025. The action began as a form of rejection of the housing allowance policy for members of the House of Representatives and other issues deemed anti-people.<sup>5</sup> Although initially peaceful, the demonstration escalated into a riot that culminated in the destruction of public facilities and the looting of the houses of members of the House of Representatives, one of which belonged to Ahmad Sahroni in Tanjung Priok, North Jakarta. Security forces deployed to control the situation faced clashes with the crowd, causing injuries and significant damage around the Senayan area.<sup>6</sup> Criminological findings in the House Ethics Court (MKD) trial indicated that some of the

looting was targeted, indicating elements of provocation and infiltration by certain parties.<sup>7</sup> This incident is a concrete example of how the right to express opinions peacefully can shift into a violation of the law, thus creating a dilemma in law enforcement and the protection of citizens' constitutional rights.

Law enforcement officials face a dilemma. On the one hand, they are obligated to guarantee citizens' freedom of expression as part of democratic principles. However, on the other hand, they also have a constitutional responsibility to maintain security and public order, and protect the interests of the wider community from potential violence or destruction. Overly repressive handling of mass demonstrations can be considered a violation of human rights, while overly permissive measures risk inciting even greater unrest.<sup>8</sup> This dilemma highlights the importance of applying standards of proportionality and legal accountability to every action by law enforcement officials in the field. The absence of clear standards often leads to an imbalance in legal practice between protecting citizens' freedoms and upholding public order, leading to a crisis of confidence in law enforcement institutions.

Normatively, the legal basis for organizing demonstrations and handling criminal acts that may arise from them has been regulated in various laws and regulations. Law Number 9 of 1998 concerning Freedom of Expression in Public provides legal guarantees for citizens to express their opinions, with the

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<sup>3</sup> Nurdin, Ali, et al. "PREMAN POLITIK DAN PASAR: ANCAMAN KEAMANAN TERHADAP IKLIM INVESTASI INDONESIA." *Jurnal Ilmu Sosial dan Ilmu Politik Malikussaleh (JSPM)* 6.2 (2025): 354-369. <https://doi.org/10.29103/jspm.v6i2.21933>

<sup>4</sup> Utomo, Laksanto. *Hukum di Balik Teks: Memahami Sosiologi Hukum*. Lembaga Studi Hukum Indonesia, 2025.

<sup>5</sup> Ananda, Selvira Paulina, et al. "Kontrak Sosial Robek: Analisis Sosiologi Hukum Saat Negara Gagal Berdialog, Demonstrasi Jalanan Agustus 2025 Menjadi Mahkamah Terakhir." *JISPENDIORA Jurnal Ilmu Sosial Pendidikan Dan Humaniora* 3.3 (2024): 195-207. <https://doi.org/10.56910/jispendiora.v3i3.3360>

<sup>6</sup> Wahyudi, Fajar Satriyawan. "Komunikasi Pejabat Publik di Tengah Krisis: Analisis Gaya Bicara dan Dampaknya pada Aksi Demo 29–31 Agustus 2025." *Journal of International Multidisciplinary Research Vol 3.9* (2025).

<sup>7</sup> Maharani, Nurazizah, Sufirman Rachman, and Anzar Makkua. "Pertanggungjawaban Pidana Terhadap Aparat Kepolisian Yang Melakukan Kekerasan Terhadap Demonstrasi." *LEGAL DIALOGICA* 1.1 (2025): 11-20. <https://jurnal.fh.umi.ac.id/index.php/legal/article/view/1577>

<sup>8</sup> Sukmana, Oman, et al. *Sosiologi Masalah Sosial: Teori, Analisis, dan Praktik Penanggulangan*. Star Digital Publishing, 2025.

obligation to maintain public order and security. Meanwhile, Article 406 of the Criminal Code (KUHP) regulates the punishment for perpetrators of destruction of public facilities or the property of others, with a maximum prison sentence of two years and eight months. In the looting that occurred in 2025, other criminal provisions such as Article 365 and Article 363 of the Criminal Code concerning theft with violence or theft under certain circumstances can also be applied. However, reality shows a gap between norms and implementation, whether law enforcement is being objective and fair, or instead shows an unequal treatment between perpetrators on the ground and the intellectual actors behind the riots.

From this reality, several legal issues arise that require in-depth examination. First, the extent to which the law is able to ensure a balance between protecting citizens' rights to demonstrate and upholding public order. Second, whether law enforcement in cases of rioting and looting has been carried out fairly, proportionally, and non-discriminatory. Third, whether the current legal framework, particularly the Criminal Code and Law No. 9 of 1998, is adequate to anticipate contemporary social dynamics involving large-scale crowds. Fourth, what is the state's responsibility in ensuring that law enforcement officers not only prosecute perpetrators on the ground, but also investigate provocateurs and infiltrators who play a role in worsening the situation. These issues demonstrate that law enforcement in the context of demonstrations cannot be viewed solely from a normative perspective, but also requires attention to substantive justice and the surrounding socio-political context. The law functions not only as a repressive instrument to punish perpetrators, but also as a preventive and educational tool in creating a law-conscious society. Through a review of the provisions of the Criminal Code and the practice of law

enforcement regarding the 2025 demonstrations, it is hoped that a more comprehensive understanding of the extent to which the law balances legal certainty, expediency, and justice will be achieved. This assessment is crucial to ensuring that law enforcement in Indonesia is not solely formal in nature but also addresses the social and moral challenges that arise in modern democracy.

## RESEARCH METHODS

This research employs a normative juridical method, namely legal research that examines the rules and principles of positive law applicable in legislation and relevant legal doctrines. This approach is used to analyze how provisions in the Criminal Code and related regulations regulate demonstrations and the destruction of public facilities, including the boundaries between the exercise of the constitutional right to express opinions and unlawful acts. Research data were obtained through a literature review of regulations, scientific literature, and previous research results, which were then analyzed qualitatively to find a match between legal norms and their enforcement practices.

Conceptually, this research is based on the view of Soerjono Soekanto who emphasized that the effectiveness of the law is determined by the harmony between norms, officials, and society<sup>9</sup>, as well as the idea of Satjipto Rahardjo who views the law as a means to achieve substantive justice, not merely normative certainty.<sup>10</sup> Through this approach, the research focuses on efforts to critically examine the extent to which Indonesian criminal law is able to balance the interests of public order with the protection of freedom of expression, as well as identifying normative aspects that need to be strengthened so that law enforcement is more proportional and just.

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<sup>9</sup> Orlando, Galih. "Efektivitas hukum dan fungsi hukum di Indonesia." *Tarbiyah bil Qalam: Jurnal Pendidikan Agama dan Sains* 6.1 (2022): 49-58.

<sup>10</sup> Lorenza, Thessa Nada, and Ardian Mulyadi. "Membaca Arah Politik Hukum Indonesia:

Telaah Kritis Terhadap Logika Pembentukan Hukum Nasional." *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 5.1 (2026): 133-152.  
<https://doi.org/10.47200/awtjhpasa.v5i1.3089>

## RESULTS AND DISCUSSION

### ***Legal Regulations on Demonstrations and Destruction of Public Facilities in the National Legal System***

Freedom of expression in public is one of the fundamental rights of citizens and a key characteristic of a democratic state. This right is constitutionally guaranteed in Article 28 of the 1945 Constitution of the Republic of Indonesia, which states that the freedoms of association, assembly, and the expression of thoughts orally and in writing are established by law. In the context of the state, this provision not only affirms the state's recognition of the right to freedom of expression but also places it within a legal framework that regulates the procedures and limits of its implementation.<sup>11</sup> This means that the right to express an opinion is not an absolute right, but rather a right that must be exercised with respect for the rights of others, public order, and state security. This principle of limiting rights serves as the legal basis for formulating mechanisms for expressing opinions in public in Indonesia.

Further provisions regarding freedom of expression are explicitly outlined in Law Number 9 of 1998 concerning Freedom of Expression in Public. This law regulates various forms of expression, from demonstrations and marches to free speech and public meetings.<sup>12</sup> The goal is to ensure that political expression takes place in an orderly, peaceful manner and without disrupting the public interest.<sup>13</sup> However, the implementation of this norm often creates problems, particularly when demonstrations escalate into

anarchic actions that cause damage to public facilities. In this regard, the role of the law is tested to balance the protection of citizens' constitutional rights with the maintenance of public order, which is also a state obligation.

The police, as the executor of security functions, have a legal basis in the Regulation of the Chief of Police Number 7 of 2012 concerning Procedures for the Implementation of Services, Security, and Handling of Cases of Expressing Opinions in Public. Article 23 letter e of the regulation emphasizes that the activity of expressing opinions in public can be categorized as unlawful if it takes place in an anarchic manner, namely if it is accompanied by criminal acts against public order, public security, or the destruction of state or individual property. The definition of anarchy in the context of positive law is not only limited to acts of physical violence, but includes any act that threatens life, causes social chaos, and damages public facilities that are part of the public interest.<sup>14</sup> Thus, law enforcement officers have a clear normative basis for carrying out law enforcement actions against violations that arise during demonstrations.

Legally, acts of violence or destruction that occur during demonstrations can be prosecuted under Article 170 of the Criminal Code. This provision stipulates that anyone who openly and jointly uses violence against people or property can be punished with a maximum of five years and six months in prison. This article places acts of destruction and violence in public as part of crimes against public order, not simply individual violations.

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<sup>11</sup> Junaedi, Asep Mahbub, and Siti Ngainnur Rohmah. "Relevansi Hak Kebebasan Mengeluarkan Pendapat Dalam Pasal 28E Ayat 3 Undang Undang Dasar 1945 Negara Republik Indonesia Terhadap Kajian Fiqih Siyasah." *Mizan: Journal of Islamic Law* 8.2 (2020): 225-248. <https://doi.org/10.32832/mizan.v8i2.20272>

<sup>12</sup> Ica Karina, S. H. "Tindak Pidana Dalam Aksi Demonstrasi Yang Anarkis Ditinjau Berdasarkan Uu No. 9 Tahun 1998 Tentang Kemerdekaan Mengeluarkan Pendapat Di Depan Umum." *Jurnal Justiqqa* 3.2 (2021): 21-29. <http://dx.doi.org/10.36764/justiqqa.v3i2.609>

<sup>13</sup> Parhusip, Habinsaran, and Muhammad Ridwan Lubis. "Analisis Yuridis terhadap Peran

Bagian Samapta dalam Penanganan Peristiwa Unjuk Rasa Berdasarkan Undang-Undang Nomor 9 Tahun 1998 Tentang Kemerdekaan Menyampaikan Pendapat di Muka Umum." *Jurnal Begawan Hukum (JBH)* 3.2 (2025): 35-46. <https://doi.org/10.62951/jbh.v3i2.138>

<sup>14</sup> Mardiki, Jajang Deni, and Basodddin Basodddin. "PERTANGGUBJAWABAN PIDANA PELAKU DEMONSTRASI ANARKIS YANG MENGAKIBATKAN LUKA BERAT PADA APARAT KEPOLISIAN (Studi di Polres Konawe Utara)." *Sultra Law Review* (2025): 3650-3662. <https://www.jurnal-unsultra.ac.id/index.php/sulrev/article/view/1178>

R. Soesilo, in his commentary on this article, explains that the elements of "openly" and "jointly" indicate a threat to social stability, because the actions are carried out collectively and openly, which has the potential to cause a domino effect in the form of fear or unrest among the wider community.<sup>15</sup> Thus, the provisions of this article have a strong social dimension in maintaining public order.

Similar provisions are also contained in Article 262 of Law Number 1 of 2023 concerning the Criminal Code (new Criminal Code), which will come into effect in 2026. This article strengthens sanctions for perpetrators of violence against people or property in public, with the threat of up to 12 years in prison if the act results in death. The new Criminal Code even introduces additional penalties in the form of compensation payments, indicating a broadening of the criminal law paradigm from merely repressive to restorative, namely recovering losses to society or the state due to the destruction of public facilities.<sup>16</sup> This change reflects a shift in the orientation of Indonesian criminal law, which places greater emphasis on aspects of benefit and social justice, rather than merely formal legal certainty.

In addition to provisions in the Criminal Code, regulations prohibiting the destruction of public facilities are also stipulated in regional regulations, as a form of translation of the principle of regional autonomy in maintaining regional order. For example, Article 54 of DKI Jakarta Regional Regulation Number 8 of 2007 concerning Public Order prohibits any person or legal entity from destroying public infrastructure and facilities during

demonstrations. This provision demonstrates the mutually reinforcing vertical relationship between national legal norms and regional laws. Through this approach, the law exists not only as a top-down tool of social control but also as a local mechanism tailored to the needs of the local community. However, despite the comprehensive legal provisions, implementation issues arise in practice related to the proportionality of law enforcement. Law enforcement officials often face a dilemma between maintaining order and respecting citizens' rights to freedom of expression. Overly repressive action can be considered a violation of human rights, while tolerating anarchic actions can actually cause significant harm to society and the state. Within the framework of Aristotle's theory of distributive justice, the law should place each individual in accordance with their rights, including the right to express opinions peacefully and the obligation not to harm others.<sup>17</sup> Therefore, the application of law in the context of demonstrations must always pay attention to the balance between legal certainty, justice and utility.

Conceptually, Indonesia's national legal system has established an adequate foundation for regulating demonstrations and the destruction of public facilities. However, its effectiveness depends on the ability of law enforcement agencies to consistently, proportionally, and non-discriminatorily enforce these norms. This is where the role of law is tested, not merely as a normative text, but also as a living social instrument (living law). In line with Satjipto Rahardjo's view, law must be viewed as a means to achieve substantive justice, not merely formal certainty.<sup>18</sup> Therefore,

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<sup>15</sup> Dewi, Geatriana. "Tinjauan Yuridis Tentang Tindak Pidana Kekerasan Secara Bersama." *Pro Justice* 3.1 (2025). <http://jurnal.uts.ac.id/index.php/projustice/article/view/5699>

<sup>16</sup> Nugraha, Roby Satya, et al. "The Transformation of Indonesia's Criminal Law System: Comprehensive Comparison between the Old and New Penal Codes." *Reformasi Hukum* 29.1 (2025): 1-21. <https://doi.org/10.46257/jrh.v29i1.1169>

<sup>17</sup> Mustamilinda, Rizcha Indah. "Ketidakadilan Hukum Bagi Masyarakat Miskin Dihubungkan Dengan Teori Keadilan Menurut Aristoteles Dan Thomas Aquinas." *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2.01 (2024). <https://journal.forikami.com/index.php/dassollen/issue/view/7>

<sup>18</sup> Lorenza, Thessa Nada, and Ardian Mulyadi. "Membaca Arah Politik Hukum Indonesia: Telaah Kritis Terhadap Logika Pembentukan Hukum Nasional." *Asas Wa Tandhim: Jurnal*

regulations regarding demonstrations and the destruction of public facilities need to be continuously reviewed and adapted to societal dynamics to ensure the law remains relevant in maintaining harmony between freedom of expression and social order.

### ***Law Enforcement Practices Against Anarchist Actions in Demonstrations: Between Certainty and Justice***

Law enforcement against anarchic actions occurring during demonstrations is one of the most complex tests for the Indonesian criminal justice system. On the one hand, the state is obligated to guarantee citizens' constitutional rights to express their opinions in public; but on the other hand, the state also has a responsibility to protect the security, order, and interests of society at large.<sup>19</sup> This dual function places law enforcement officials, particularly the police, prosecutors, and judiciary, in a dilemma between firmly enforcing the law and respecting human rights. The main issue that arises is not only the repressive stage, but also how the law is applied fairly and proportionally at every stage of the law enforcement process.

In the police force, the implementation of security duties for demonstrations and handling of anarchic acts is often marked by the use of police discretion, as stipulated in Article 18 paragraph (1) of Law Number 2 of 2002 concerning the Republic of Indonesia National Police. Discretion gives the police the authority to act according to their own judgment in urgent situations to ensure public order and security.<sup>20</sup> However, this authority is also vulnerable to abuse if not balanced with the principles of accountability and proportionality. In practice,

the actions of the authorities are often considered excessive, such as the use of violence in dispersing crowds or arrests without clear legal procedures. This has given rise to criticism that law enforcement against demonstrations is still more oriented towards order (law and order) than protecting the constitutional rights of citizens.

During the investigation phase, another issue arose regarding the determination of suspects in cases of riots and destruction of public facilities. In many cases, police officers conducted mass arrests of protesters without sufficient preliminary evidence of individual involvement.<sup>21</sup> However, Article 1, number 14 of the Criminal Procedure Code (KUHP) stipulates that a suspect is a person who, based on preliminary evidence, is reasonably suspected of being the perpetrator of a crime due to their actions or circumstances. This lack of clarity in the initial evidence often results in violations of the presumption of innocence. From the perspective of due process of law theory, this practice demonstrates a tendency toward spontaneous criminalization of protesters without adequate legal procedures, potentially leading to legal injustice.

During the prosecution phase, prosecutors are often faced with the dilemma of whether to impose the maximum penalty on perpetrators to create a deterrent effect or to adopt a more proportionate approach that takes into account the social context of the incident. In the Indonesian criminal law system, the principle of *ultimum remedium* should be the guiding principle, namely that criminal sanctions are a last resort after non-penal measures have been ineffective.<sup>22</sup> However, in

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*Hukum, Pendidikan Dan Sosial Keagamaan* 5.1 (2026): 133-152.  
<https://jurnal.ucy.ac.id/index.php/awtjhpsa/article/view/3089>

<sup>19</sup> Kodyat, M., and Benito Asdhie. "Etika Dalam Menyampaikan Pendapat Di Media Sosial Dalam Perspektif Hak Konstitusional Warga Negara." *Edutech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial* 4.2 (2018): 378785.  
<https://doi.org/10.30596/edutech.v4i2.2271>

<sup>20</sup> Ali, Ismail. "Implementasi Kewenangan Diskresi dalam Mendukung Tugas dan Fungsi

Kepolisian di Polsek Tempe." *Legal Journal of Law* 1.1 (2022): 1-20.  
<https://jurnal.lamaddukelleng.ac.id/index.php/legal/article/view/9>

<sup>21</sup> Wibawa, Ryan Sukma. "Kekuatan Hukum Tindakan Represif Kepolisian dalam Unjuk Rasa yang Mengakibatkan Keributan." *Journal Sains Student Research* 1.2 (2023): 940-953.  
<https://doi.org/10.61722/jssr.v1i2.356>

<sup>22</sup> Sitanggang, Revita Rensiana Br, et al. "PENERAPAN ASAS ULTIMUM REMEDIUM DALAM HUKUM PIDANA: EFEKTIVITAS,

practice when handling demonstrations, this principle is often ignored due to political pressure and public opinion demanding severe punishment for perpetrators of vandalism. As a result, law enforcement, which should be objective and rational, becomes reactive and symbolic, more aimed at demonstrating state firmness than upholding substantive justice.

At the judicial stage, judges play a key role in maintaining the balance between legal certainty and justice. Court decisions not only reflect interpretations of the norms of the Criminal Code and related regulations, but also reflect social sensitivity to the context in which the act occurred. In many demonstration cases, judges face the challenge of assessing whether acts of vandalism were committed as part of political expression or as purely criminal acts.<sup>23</sup> This is where judges need to apply progressive legal theory, as proposed by Satjipto Rahardjo, that the law should not be trapped in the formalism of rules but should instead be directed toward seeking justice that is alive in society.<sup>24</sup> In other words, judges must be able to interpret norms dynamically, rather than simply reading the text of the law rigidly.

Criticism of law enforcement practices during demonstrations also includes the issue of unequal legal treatment between those on the ground and the intellectuals behind the demonstrations. In some cases, those on the ground who carry out spontaneous actions are often severely punished, while those suspected of organizing or provoking the demonstrations

are rarely touched by the law. This inequality gives the impression that the law is only sharp downwards and blunt upwards. However, according to Gustav Radbruch, the law must fulfill three fundamental values: justice, certainty, and utility.<sup>25</sup> When any of these values is ignored, the law loses its moral legitimacy. Therefore, selective law enforcement not only harms the public's sense of justice but also erodes public trust in legal institutions themselves.

From a human rights perspective, law enforcement during demonstrations must adhere to the principle of proportionality, which is the balance between state restrictions and the desired objectives.<sup>26</sup> This principle requires that every action by law enforcement officials be tested for propriety, necessity, and balance of impact. This means that forced dispersal or the use of violence can only be justified if such action is the sole means of preventing wider unrest. When officials act outside this bound of proportionality, law enforcement no longer functions as a protector of human rights but instead as a tool of state repression. Such conditions have the potential to create a spiral of violence between the public and the authorities, ultimately eroding public trust in the law.

Law enforcement practices against anarchic actions during demonstrations require a comprehensive and contextual approach. The law cannot be applied solely through normative logic but must consider the surrounding social,

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TANTANGAN, DAN PERSPEKTIF PENGEMBANGAN DI INDONESIA." *JURNAL MASYARAKAT HUKUM PENDIDIKAN HARAPAN* 2.01 (2024). <https://jumas.ourhope.biz.id/ojs/index.php/JM/article/download/62/37>

<sup>23</sup> Rocky Marbun, et al. *Kapita Selekta Penegakan Hukum (Acara) Pidana: Membongkar Tindak Tuturan dan Komunikasi Instrumental Aparat Penegak Hukum dalam Praktik Peradilan Pidana*. Publica Indonesia Utama, 2021.

<sup>24</sup> Rizqullah, Azka Afdhalul, Andre Fernando Situmorang, and Fraja Mulya Dwi Bakt. "Peran Hukum Progresif Dalam Mencari Keadilan Menurut Satjipto Rahardjo." *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora* 3.01 (2025).

<https://journal.forikami.com/index.php/nusantara/article/view/971>

<sup>25</sup> Anisyaniawati, Anisyaniawati, and Hemmalika alyanti Chandra. "Konsep Hukum dan Keadilan dalam Pemikiran Gustav Radbruch." *Praxis: Jurnal Filsafat Terapan* 2.01 (2024).

<https://journal.forikami.com/index.php/praxis/article/view/954>

<sup>26</sup> Alifiana, Maydhita, and Gelar Ali Ahmad. "Analisis Kritis Terhadap Penggunaan Kekuatan Berlebihan Oleh Aparat Penegak Hukum Dalam Menekan Kebebasan Berekspresi Mahasiswa." *Innovative: Journal Of Social Science Research* 4.6 (2024): 6601-6610. <https://doi.org/10.31004/innovative.v4i6.16897>

political, and humanitarian dimensions. Ideal law enforcement is capable of upholding order without sacrificing freedom, and guaranteeing justice without compromising humanity.<sup>27</sup> Within this framework, law enforcement officials must utilize legal principles as a means of social reconciliation, not simply as a means of punishment. This approach aligns with the spirit of progressive law, where law exists to regulate, protect, and restore social order by prioritizing substantive justice over procedural certainty.

## CONCLUSION

The role of the law in handling demonstrations and the destruction of public facilities is not solely determined by the existence of norms in the Criminal Code, but also by the extent to which these norms are applied consistently, proportionally, and in accordance with constitutional values. The provisions in Articles 160, 170, and 406 of the Criminal Code actually provide a sufficient legal basis for the state to take action against anarchic acts, but problems arise when law enforcement fails to distinguish between legitimate political expression and unlawful acts. The tendency of officials to interpret the law rigidly and repressively demonstrates a gap between formal legal certainty and substantive justice. In this context, the law risks becoming an instrument that limits freedom of expression, rather than a protector of citizens' constitutional rights.

Law enforcement practices regarding demonstrations need to be directed at striking a balance between upholding public order and protecting human rights. The law must be implemented within a progressive and contextual framework, as emphasized by Satjipto Rahardjo, who argued that the law should side with people and humanity. Law enforcement officials are required to prioritize the principles of proportionality and accountability in every action, while the judiciary needs to interpret the law dynamically to deliver vibrant justice within society. Thus, the ideal role of law is not merely to enforce

rules and punish violations, but also to create space for dialogue, social recovery, and strengthen the legitimacy of the state in ensuring a balance between democratic rights and public order.

## REFERENCES

- Ali, Ismail. "Implementasi Kewenangan Diskresi dalam Mendukung Tugas dan Fungsi Kepolisian di Polsek Tempe." *Legal Journal of Law 1.1* (2022): 1-20. <https://jurnal.lamaddukelleng.ac.id/index.php/legal/article/view/9>
- Alifiana, Maydhita, and Gelar Ali Ahmad. "Analisis Kritis Terhadap Penggunaan Kekuatan Berlebihan Oleh Aparat Penegak Hukum Dalam Menekan Kebebasan Berekspresi Mahasiswa." *Innovative: Journal Of Social Science Research 4.6* (2024): 6601-6610. <https://doi.org/10.31004/innovative.v4i6.16897>
- Ananda, Selvira Paulina, et al. "Kontrak Sosial Robek: Analisis Sosiologi Hukum Saat Negara Gagal Berdialog, Demonstrasi Jalanan Agustus 2025 Menjadi Mahkamah Terakhir." *JISPENDIORA Jurnal Ilmu Sosial Pendidikan Dan Humaniora 3.3* (2024): 195-207. <https://doi.org/10.56910/jispendiora.v3i3.3360>
- Anisyaniawati, Anisyaniawati, and Hemmalika alyanti Chandra. "Konsep Hukum dan Keadilan dalam Pemikiran Gustav Radbruch." *Praxis: Jurnal Filsafat Terapan 2.01* (2024). <https://journal.forikami.com/index.php/praxis/article/view/954>
- Arfiani, Arfiani Arfiani, et al. "Penegakan Hukum Sesuai Prinsip Peradilan Yang Berkepastian, Adil Dan Manusiawi: Studi Pemantauan Proses Penegakan Hukum Tahun 2020." *Riau Law Journal 6.1* (2022): 48-74.

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<sup>27</sup> Arfiani, Arfiani Arfiani, et al. "Penegakan Hukum Sesuai Prinsip Peradilan Yang Berkepastian, Adil Dan Manusiawi: Studi

Pemantauan Proses Penegakan Hukum Tahun 2020." *Riau Law Journal 6.1* (2022): 48-74.

- Dewi, Geatriana. "Tinjauan Yuridis Tentang Tindak Pidana Kekerasan Secara Bersama." *Pro Justice* 3.1 (2025). <http://jurnal.uts.ac.id/index.php/projustice/article/view/5699>
- Fithriyatirrizqoh, Fithriyatirrizqoh, and Natasyah Aliyah Zhanaty. "Mengkaji Keefektifan Gerakan Mahasiswa dalam Mendorong Perubahan Kebijakan Pemerintah Melalui Demonstrasi." *Jurnal Ilmiah Wahana Pendidikan* 10.24.2 (2024): 491-504. <http://www.jurnal.peneliti.net/index.php/JIWP/article/view/9493>
- Hsb, Mara Ongku. "Ham dan kebebasan berpendapat dalam UUD 1945." *Al WASATH Jurnal Ilmu Hukum* 2.1 (2021): 29-40. <https://doi.org/10.47776/alwasath.v2i1.135>
- Ica Karina, S. H. "Tindak Pidana Dalam Aksi Demostrasi Yang Anarkis Ditinjau Berdasarkan Uu No. 9 Tahun 1998 Tentang Kemerdekaan Mengeluarkan Pendapat Di Depan Umum." *Jurnal Justiqā* 3.2 (2021): 21-29. <http://dx.doi.org/10.36764/justiqa.v3i2.609>
- Junaedi, Asep Mahbub, and Siti Ngainnur Rohmah. "Relevansi Hak Kebebasan Mengeluarkan Pendapat Dalam Pasal 28E Ayat 3 Undang Undang Dasar 1945 Negara Republik Indonesia Terhadap Kajian Fiqih Siyasah." *Mizan: Journal of Islamic Law* 8.2 (2020): 225-248. <https://doi.org/10.32832/mizan.v8i2.20272>
- Kodiyat, M., and Benito Asdhie. "Etika Dalam Menyampaikan Pendapat Di Media Sosial Dalam Perspektif Hak Konstitusional Warga Negara." *EduTech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial* 4.2 (2018): 378785. <https://doi.org/10.30596/edutech.v4i2.2271>
- Lorenza, Thessa Nada, and Ardian Mulyadi. "Membaca Arah Politik Hukum Indonesia: Telaah Kritis Terhadap Logika Pembentukan Hukum Nasional." *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 5.1 (2026): 133-152. <https://doi.org/10.47200/awtjhpsa.v5i1.3089>
- Lorenza, Thessa Nada, and Ardian Mulyadi. "Membaca Arah Politik Hukum Indonesia: Telaah Kritis Terhadap Logika Pembentukan Hukum Nasional." *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 5.1 (2026): 133-152. <https://jurnal.ucy.ac.id/index.php/awtjhpsa/article/view/3089>
- Maharani, Nurazizah, Sufirman Rachman, and Anzar Makkuasa. "Pertanggungjawaban Pidana Terhadap Aparat Kepolisian Yang Melakukan Kekerasan Terhadap Demonstrasi." *LEGAL DIALOGICA* 1.1 (2025): 11-20. <https://jurnal.fh.umi.ac.id/index.php/legal/article/view/1577>
- Mardiki, Jajang Deni, and Basodddin Basodddin. "PERTANGGUBJAWABAN PIDANA PELAKU DEMONSTRASI ANARKIS YANG MENGAKIBATKAN LUKA BERAT PADA APARAT KEPOLISIAN (Studi di Polres Konawe Utara)." *Sultra Law Review* (2025): 3650-3662. <https://www.jurnal-unsultra.ac.id/index.php/sulrev/article/view/1178>
- Mustamilinda, Rizcha Indah. "Ketidakadilan Hukum Bagi Masyarakat Miskin Dihubungkan Dengan Teori Keadilan Menurut Aristoteles Dan Thomas Aquinas." *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2.01 (2024). <https://journal.forikami.com/index.php/dassollen/issue/view/7>
- Nugraha, Roby Satya, et al. "The Transformation of Indonesia's Criminal Law System: Comprehensive Comparison between the Old and New Penal Codes." *Reformasi Hukum* 29.1

- (2025): 1-21.  
<https://doi.org/10.46257/jrh.v29i1.1169>
- Nurdin, Ali, et al. "PREMAN POLITIK DAN PASAR: ANCAMAN KEAMANAN TERHADAP IKLIM INVESTASI INDONESIA." *Jurnal Ilmu Sosial dan Ilmu Politik Malikussaleh (JSPM)* 6.2 (2025): 354-369.  
<https://doi.org/10.29103/jspm.v6i2.21933>
- Orlando, Galih. "Efektivitas hukum dan fungsi hukum di Indonesia." *Tarbiyah bil Qalam: Jurnal Pendidikan Agama dan Sains* 6.1 (2022): 49-58.
- Parhusip, Habinsaran, and Muhammad Ridwan Lubis. "Analisis Yuridis terhadap Peran Bagian Samapta dalam Penanganan Peristiwa Unjuk Rasa Berdasarkan Undang-Undang Nomor 9 Tahun 1998 Tentang Kemerdekaan Menyampaikan Pendapat di Muka Umum." *Jurnal Begawan Hukum (JBH)* 3.2 (2025): 35-46.  
<https://doi.org/10.62951/jbh.v3i2.138>
- Rizqullah, Azka Afdhalul, Andre Fernando Situmorang, and Fraja Mulya Dwi Bakt. "Peran Hukum Progresif Dalam Mencari Keadilan Menurut Satjipto Rahardjo." *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora* 3.01 (2025).  
<https://journal.forikami.com/index.php/nusantara/article/view/971>
- Rocky Marbun, et al. *Kapita Selekta Penegakan Hukum (Acara) Pidana: Membongkar Tindak Tuturan dan Komunikasi Instrumental Aparat Penegak Hukum dalam Praktik Peradilan Pidana*. Publica Indonesia Utama, 2021.
- Sitanggang, Revita Rensiana Br, et al. "PENERAPAN ASAS ULTIMUM REMEDIUM DALAM HUKUM PIDANA: EFEKTIVITAS, TANTANGAN, DAN PERSPEKTIF PENGEMBANGAN DI INDONESIA." *JURNAL MASYARAKAT HUKUM PENDIDIKAN HARAPAN* 2.01 (2024).  
<https://jumas.ourhope.biz.id/ojs/index.php/JM/article/download/62/37>
- Sukmana, Oman, et al. *Sosiologi Masalah Sosial: Teori, Analisis, dan Praktik Penanggulangan*. Star Digital Publishing, 2025.
- Utomo, Laksanto. *Hukum di Balik Teks: Memahami Sosiologi Hukum*. Lembaga Studi Hukum Indonesia, 2025.
- Wahyudi, Fajar Satriyawan. "Komunikasi Pejabat Publik di Tengah Krisis: Analisis Gaya Bicara dan Dampaknya pada Aksi Demo 29–31 Agustus 2025." *Journal of International Multidisciplinary Research* Vol 3.9 (2025).
- Wibawa, Ryan Sukma. "Kekuatan Hukum Tindakan Represif Kepolisian dalam Unjuk Rasa yang Mengakibatkan Kericuhan." *Journal Sains Student Research* 1.2 (2023): 940-953.  
<https://doi.org/10.61722/jssr.v1i2.356>