

Policing Mass Demonstrations in Indonesia: Balancing Public Order, Civil Liberties, and Democratic Accountability

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Abstract

Public demonstrations constitute an important form of political participation in democratic societies but may create significant challenges for police institutions responsible for maintaining public order. In Indonesia, the management of demonstrations requires police to balance public safety with constitutional freedoms of expression and assembly. This study examines the challenges of policing mass demonstrations within Indonesia's democratic environment. Using qualitative legal and policy analysis, the study evaluates the principles governing police responses to public demonstrations and examines tensions between public-order objectives and civil liberties. The analysis emphasises the importance of proportionality, communication, negotiation, and differentiated responses to maintaining legitimate public order. The study argues that excessive reliance on coercive approaches may generate distrust and undermine perceptions of police legitimacy, while insufficient intervention may expose participants and the wider public to safety risks. Democratic protest policing therefore requires clear operational guidelines, professional decision-making, effective command structures, and meaningful accountability. The article contributes to scholarship on democratic policing by situating protest policing within Indonesia's post-authoritarian institutional development and by highlighting the relationship between public order, civil liberties, and police legitimacy.

[Demonstrasi publik merupakan bentuk partisipasi politik yang penting dalam masyarakat demokratis, namun dapat menimbulkan tantangan signifikan bagi institusi kepolisian yang bertanggung jawab menjaga ketertiban umum. Di Indonesia, penanganan demonstrasi menuntut polisi untuk menyeimbangkan aspek keselamatan publik dengan kebebasan konstitusional untuk berekspresi]

dan berkumpul. Studi ini mengkaji tantangan dalam penanganan demonstrasi massa di tengah iklim demokrasi Indonesia. Melalui analisis hukum dan kebijakan yang bersifat kualitatif, studi ini mengevaluasi prinsip-prinsip yang mengatur respons kepolisian terhadap demonstrasi publik serta menelaah ketegangan antara tujuan menjaga ketertiban umum dan kebebasan sipil. Analisis ini menekankan pentingnya prinsip proporsionalitas, komunikasi, negosiasi, dan respons yang disesuaikan dengan situasi demi menjaga ketertiban umum yang sah. Studi ini berargumen bahwa ketergantungan berlebihan pada pendekatan koersif dapat memicu ketidakpercayaan dan mengikis persepsi mengenai legitimasi kepolisian, sementara intervensi yang tidak memadai dapat memaparkan peserta aksi maupun masyarakat luas pada risiko keselamatan. Oleh karena itu, penanganan protes dalam kerangka demokrasi memerlukan pedoman operasional yang jelas, pengambilan keputusan yang profesional, struktur komando yang efektif, serta akuntabilitas yang bermakna. Artikel ini memberikan kontribusi pada kajian mengenai kepolisian demokratis dengan menempatkan praktik penanganan protes dalam konteks perkembangan kelembagaan pasca-otoritarianisme di Indonesia, serta menyoroti hubungan antara ketertiban umum, kebebasan sipil, dan legitimasi kepolisian.]

Keywords: protest policing, public order, civil liberties, democratic policing, Indonesia

Introduction

Public demonstrations constitute a fundamental pillar of democratic governance, serving as an indispensable avenue through which citizens express grievances, influence policy formulations, and hold state institutions accountable. In the post-1998 Reformasi era, Indonesia underwent a profound political transition from an authoritarian regime under Suharto's New Order toward a consolidated constitutional democracy. This systemic transformation altered the institutional ecosystem of state governance, elevating freedom of expression, freedom of assembly, and fundamental human rights as constitutional guarantees protected under the amended 1945 Constitution. Consequently, public protests have proliferated across urban centers, becoming a routine feature of the Indonesian political landscape. Citizens, labor unions, student organizations, and civil society alliances frequently organize mass assemblies to contest economic policies, legislative reforms, and administrative decisions. However, the management of these public assemblies poses complex operational, normative, and legal dilemmas for the Indonesian National Police (*Kepolisian Negara Republik Indonesia* or *Polri*).

The primary constitutional mandate of the police institution in a democratic society involves safeguarding public security and maintaining order while simultaneously respecting, protecting, and fulfilling citizens' civil liberties. Striking an effective balance between these dual responsibilities represents a persistent

operational challenge. While peaceful demonstrations require protection and institutional facilitation, large-scale public gatherings occasionally degenerate into violence, property destruction, or severe public disruption. When mass demonstrations destabilize public order, law enforcement agencies face intense pressure to restore tranquility rapidly. In responding to such situations, the choice of policing tactics, force deployment parameters, and engagement strategies directly shapes the state-society relationship. Overly coercive responses, indiscriminate force, or preemptive arrests risk triggering institutional regression, suppressing legitimate political dissent, and severely eroding public trust in democratic institutions. Conversely, inadequate police intervention or passive crowd management may compromise public safety, disrupt urban economies, and expose non-violent protesters to harm from radicalized elements.

Understanding the dynamics of protest policing in contemporary Indonesia requires a comprehensive evaluation of legal frameworks, institutional structures, and operational practices that govern crowd control. The Indonesian police force was formally separated from the armed forces (*TNI*) in 1999 to establish a civilian, professional, and human rights-compliant police service. Despite significant institutional reforms, residual authoritarian legacies, militarized mindsets, and institutional ambiguities continue to influence public order maintenance. Recent high-profile mass demonstrations, including opposition to legislative amendments, labor law reforms, and socio-economic policies, have highlighted recurrent tensions between public order objectives and constitutional civil liberties. Instances of alleged excessive force, tear gas deployment, arbitrary detentions, and surveillance of activist networks have drawn substantial criticism from human rights advocacy groups, international observers, and academic researchers. These developments underscore the critical necessity to re-examine the normative guidelines and practical realities governing police conduct during mass protests in post-authoritarian Indonesia.

This study aims to examine the multifaceted challenges of policing mass demonstrations within Indonesia's evolving democratic landscape. Utilizing a qualitative legal and socio-policy analytical framework, the research critically evaluates the legal principles governing police responses, examines operational dilemmas, and identifies structural mechanisms necessary to balance public order with human rights guarantees. Specifically, this paper investigates the extent to which current protest policing doctrines align with international standards of democratic policing, proportionality, and accountability. By situating Indonesian crowd control practices within broader theoretical frameworks of democratic policing and police legitimacy, this article seeks to illuminate how institutional mechanisms can be refined to prevent civil rights infractions while ensuring public safety. Ultimately, the study contributes to scholarly discourse on security sector reform, civil-military transitions, and post-authoritarian democratic consolidation in Southeast Asia.

Literature Review

Scholarship on protest policing has evolved substantially over recent decades, driven by comparative analyses of modern police tactics in democratic states. Classical conceptual frameworks categorized police management of public protests into distinct models, primarily contrasting the escalated force model with negotiating and strategic incapacitation models (McPhail, Schweingruber, and McCarthy 1998). The escalated force model, dominant in mid-twentieth-century industrial democracies, characterized police tactics as highly coercive, reactive, and reliant on physical intimidation or force to disperse crowds. In contrast, democratic consolidation and human rights discourse during the late twentieth century catalyzed a transition toward negotiated management approaches. Negotiated management prioritizes dialogue, advance communication between organizers and law enforcement, mutual concessions, and the protection of constitutional rights as standard operational parameters (Della Porta and Reiter 1998). This theoretical paradigm asserts that cooperative engagement reduces violent friction, maintains legitimacy, and prevents unnecessary escalation during mass public assemblies.

However, subsequent academic literature highlights the emergence of modern hybrid strategies, such as strategic incapacitation, wherein police combine superficial communication with sophisticated surveillance, spatial control, preemptive arrests, and non-lethal weapon deployment (Gillham and Marx 2018). Within post-authoritarian contexts, the adoption of negotiated management protocols often encounters systemic institutional resistance. Scholars studying security transitions in global South democracies contend that institutional legacies from previous authoritarian regimes frequently impede deep structural reform within police services (Baker 2007). In these transitional societies, formal operational guidelines may articulate adherence to democratic human rights principles, yet informal operational cultures remain steeped in militaristic methodologies, state-centric threat perceptions, and low tolerance for open public dissent. Consequently, the coexistence of modern democratic legal mandates and entrenched legacy practices creates profound contradictions in contemporary protest management.

In the specific context of post-1998 Indonesia, security sector reform literature has extensively documented the structural separation of Polri from the military apparatus (Muradi 2014). Scholars acknowledge that the initial decade of Reformasi produced crucial statutory transformations aimed at cultivating a civilian police force committed to public service and human rights compliance (Jacqui 2002). Despite these regulatory milestones, empirical studies demonstrate that police reform in Indonesia remains an incomplete project, frequently constrained by political patronage, internal organizational conservatism, and ambiguous legal standards regarding force deployment (Diprose et al. 2019). Studies analyzing Indonesian police responses to urban labor movements, student protests, and civil rights demonstrations frequently highlight recurring operational shortcomings,

including disproportionate force, inadequate de-escalation training, and arbitrary detentions (Haddad 2020). Scholars argue that these operational failures stem from persistent structural gaps between high-level policy commitments and field-level tactical execution.

Furthermore, procedural justice and public legitimacy theories provide valuable frameworks for evaluating protest policing in transitional democracies. According to procedural justice theory, public compliance with law enforcement authority relies fundamentally on citizens' perceptions of fairness, transparency, respectfulness, and impartiality during police engagements (Sunshine and Tyler 2003). When citizens perceive police interactions during public demonstrations as procedural, unbiased, and protective of fundamental rights, police legitimacy is significantly enhanced, leading to reduced violent confrontation. Conversely, arbitrary or excessive police coercion undermines institutional legitimacy, inflames political polarization, and incentivizes confrontational behavior among protest participants (Tankebe 2013). Applying procedural justice principles to Indonesian protest policing illuminates how tactical operational choices directly affect democratic consolidation and long-term institutional trust across diverse segments of Indonesian society.

Methods

This study adopts a qualitative legal and socio-policy research methodology to examine the policing of mass demonstrations in post-authoritarian Indonesia. Qualitative inquiry provides an appropriate analytical structure for evaluating complex interactions between statutory legal mandates, operational police doctrines, civil rights frameworks, and institutional behavior. The research design integrates normative legal analysis with policy-oriented empirical evaluation to unpack the structural dynamics governing crowd control practices. By combining primary legal sources with secondary academic, institutional, and civil society literature, the study achieves a holistic perspective on the operational and constitutional challenges inherent in democratic protest policing. This methodological approach facilitates an in-depth examination of the structural alignment between theoretical democratic principles and practical law enforcement execution within the Indonesian context.

The research relies on three principal categories of secondary data sources collected through systematic library research and document analysis. First, the study examines statutory instruments and official regulatory manuals, including the 1945 Constitution of the Republic of Indonesia, Law No. 2 of 2002 on the Indonesian National Police, Law No. 9 of 1998 on Freedom of Expressing Opinions in Public, and Chief of Police Regulation (*Perkap*) No. 8 of 2009 regarding Human Rights Principles and Standards. Second, the study analyzes official institutional documents, human rights monitoring reports published by independent bodies such as the National Human Rights Commission (*Komnas HAM*), and documentation from international legal advocacy organizations. Third, extensive peer-reviewed

scholarly literature, monographs, and public policy analyses published up to 2025 were systematically reviewed to contextualize empirical developments within broader theoretical frameworks of democratic policing.

Data processing and analytical synthesis were conducted using thematic content analysis techniques. Collected legal texts, regulatory frameworks, and empirical reporting were categorized according to core thematic dimensions: legal compliance, proportionality of force deployment, communication protocols, command accountability, and institutional transparency. The analysis involved cross-referencing formal normative standards established under Indonesian law with documented operational outcomes during public demonstrations. By systematically comparing policy intent against empirical implementations reported across primary and secondary literature, the study identified systemic operational bottlenecks, legal ambiguities, and institutional practices that contribute to human rights violations or operational failures during mass public assemblies.

To ensure qualitative rigor, internal validity, and socio-legal reliability, the study employed source triangulation and analytical contextualization. Triangulation was achieved by comparing official government regulations against independent civil society documentation, human rights monitoring reports, and academic research findings. Furthermore, analytical interpretations were grounded in established international standards on human rights and law enforcement, including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. This comparative analytical framework minimized research bias and provided a robust basis for evaluating the legitimacy, efficacy, and democratic alignment of protest policing mechanisms in contemporary Indonesia.

Analysis and Discussion

A. Constitutional Guarantees vs. Public Order Maintenance

The tension between fundamental constitutional guarantees and the state's obligation to maintain public order represents a central legal and operational dilemma in post-authoritarian Indonesia. The amended 1945 Constitution explicitly guarantees the freedom of speech, assembly, and association under Article 28E Paragraph (3), affirming that every citizen possesses the right to express opinions publicly. Furthermore, Law No. 9 of 1998 provides statutory safeguards for public demonstrations, framing peaceful assembly as an essential human right rather than a privileged concession granted by security authorities. These legal foundations reflect the democratic transition of the Reformasi era, which aimed to dismantle the authoritarian security apparatus that historically suppressed political dissent. Under this democratic framework, law enforcement agencies are mandated to protect citizens exercising their fundamental rights while ensuring that public assemblies proceed without unlawful disruption.

However, the legal mandate of the Indonesian National Police under Law No. 2 of 2002 simultaneously tasks the police with maintaining security, public order,

and law enforcement. In practice, operational conflict frequently emerges when the police interpret public order maintenance as requiring strict spatial, chronological, and behavioral control over public gatherings. Police operational guidelines often prioritize traffic flow, commercial continuity, and infrastructure protection over facilitating prolonged or disruptive political protests. This institutional orientation frequently leads authorities to view unauthorized or spontaneous demonstrations primarily as security threats rather than valid exercises of democratic rights. Consequently, the operational threshold for declaring an assembly unlawful often depends on administrative compliance, such as prior written notification, rather than the actual presence of violent behavior within the crowd.

This structural friction creates a fundamental misalignment between constitutional rights and operational law enforcement realities. When statutory regulations prioritize administrative restrictions, police agencies are prone to executing preemptive dispersal tactics, spatial containment, or mass detentions against non-violent protesters. Human rights organizations have documented numerous instances where administrative non-compliance was cited as a legal justification for forcible crowd dispersal, leading to violent confrontations between police units and demonstrators. This practice demonstrates an operational failure to distinguish between peaceful non-compliance with administrative procedures and active, violent disruption of public order. By conflating these distinct conditions, law enforcement responses risk delegitimizing constitutional guarantees and violating international legal standards governing freedom of assembly.

To harmonize these competing objectives, the Indonesian legal system must recalibrate operational definitions of public order to reflect democratic standards. Public order should not be interpreted as absolute public tranquility or total absence of social disruption, as peaceful demonstrations inherently disrupt normal daily routines to attract public and political attention. Rather, public order maintenance in a democratic society should focus exclusively on preventing severe physical violence, property destruction, and direct threats to public safety. Adopting this refined conceptual framework would require Polri to elevate constitutional rights protection above minor administrative infractions, ensuring that state coercive power is deployed only when clear, demonstrable, and severe threats to public safety materialize.

B. Proportionality and the Spectrum of Force Deployment

The operational management of mass demonstrations requires strict adherence to the international legal principles of necessity, legality, and proportionality regarding the deployment of police force. Within the Indonesian police regulatory framework, Chief of Police Regulation (*Perkap*) No. 1 of 2009 and *Perkap* No. 8 of 2009 explicitly incorporate these principles, mandating a gradual, step-by-step approach to force deployment based on crowd behavior. The normative continuum ranges from soft power tactics, including verbal communication and negotiation, to physical containment, chemical irritant

deployment, and, ultimately, lethal force under extreme threat conditions. These operational regulations were specifically designed to prevent arbitrary coercion, safeguard non-violent demonstrators, and ensure that police interventions remain strictly proportionate to the actual level of threat posed by crowd movement.

Despite these established regulatory frameworks, empirical evidence reveals significant operational divergences during field management of major public demonstrations. During recent socio-political protests in major Indonesian cities, law enforcement units frequently escalated force rapidly, skipping mandatory verbal negotiation stages when crowds resisted dispersal orders. The widespread deployment of tear gas, high-pressure water cannons, and kinetic impact projectiles often occurred indiscriminately, affecting non-violent protesters, bystander populations, and medical personnel alongside violent actors. Such indiscriminate enforcement indicates systemic breakdowns in tactical command structures and field-level decision-making. When crowd control units employ excessive or indiscriminate force, the operational goal of restoring order is compromised, often triggering intense retaliation, crowd panic, and catastrophic secondary incidents.

The indiscriminate use of non-lethal crowd control weaponry highlights critical gaps in tactical training, equipment calibration, and risk assessment among front-line police officers. Tear gas deployment in confined urban spaces or densely populated public zones routinely causes severe medical emergencies, physical trauma, and mass panic among peaceful participants. Furthermore, the deployment of specialized tactical units, such as the Mobile Brigade (*Brimob*), alongside standard public order units frequently introduces militarized engagement mindsets into civilian crowd management environments. *Brimob* units, historically trained for counter-insurgency and high-intensity security operations, often lack the tactical restraint and de-escalation skills necessary for managing civil public demonstrations. This tactical mismatch contributes directly to premature escalations and excessive force applications.

Enhancing operational adherence to proportionality requires comprehensive structural reforms in police training, equipment deployment, and tactical field management. Police institutions must institutionalize realistic, scenario-based de-escalation training that emphasizes non-coercive management techniques and tactical patience during volatile crowd interactions. Furthermore, strict operational boundaries must govern the deployment of militarized tactical units, ensuring that specialized forces are utilized exclusively under extreme, clearly defined security crises rather than routine protest management. Operational accountability mechanisms must also enforce rigorous post-event evaluations for every instance of chemical weapon or force deployment. Establishing clear field metrics for force escalation will minimize arbitrary enforcement, ensure compliance with statutory guidelines, and uphold the principle of minimum necessity during mass assemblies.

C. Communication, Negotiation, and Differentiated Crowd Control

Effective crowd management in democratic societies relies on dynamic communication, continuous negotiation, and tactical differentiation between peaceful demonstrators and violent agitators. Classical theories of crowd psychology historically viewed mass assemblies as irrational, homogenous collectives prone to violence, leading law enforcement to treat entire protests as single threat entities. Modern social psychological research, however, demonstrates that mass crowds are heterogeneous groups composed of diverse factions with varying motivations, tactics, and commitment levels (Reicher et al. 2004). Applying this insight to protest policing requires law enforcement agencies to adopt differentiated management strategies that actively facilitate non-violent expression while isolating and neutralizing specific violent elements without disrupting the broader assembly.

In Indonesia, the institutionalization of specialized liaison officers and dedicated communication units represents a positive structural step toward negotiated management. Police operational frameworks theoretically emphasize advance dialogue with protest organizers to establish mutual expectations regarding protest routes, duration, and safety parameters. When effective communication channels are maintained, police and organizers can collaboratively address logistical bottlenecks, manage security risks, and prevent accidental escalations caused by misunderstandings. However, in practice, these communication mechanisms are frequently underutilized or abandoned once public gatherings become politically contentious or emotionally charged. When pre-protest negotiations fail or are treated as mere administrative formalities, police units often fall back on un-differentiated containment strategies that target the entire crowd equally.

The failure to maintain tactical differentiation during mass demonstrations often leads to severe operational consequences and elevated civil rights violations. When police units treat an entire mass demonstration as a hostile entity due to isolated acts of stone-throwing or property damage by small radical subgroups, indiscriminate dispersal measures are applied to all participants. This lack of differentiation alienates non-violent protesters, damages procedural justice perceptions, and often pushes moderate participants into reactive confrontation with law enforcement officers. Furthermore, the deployment of undercover intelligence operatives within crowd formations without clear, accountable rules of engagement can heighten mutual paranoia, spark rumors, and provoke unnecessary crowd panic.

To improve protest outcomes, Polri must strengthen dynamic field communication and institutionalize differentiated crowd management strategies across all command levels. Dedicated police liaison teams should be empowered to negotiate continuously with protest leaders before, during, and after public assemblies, operating independently from riot control formations. Command structures must train field officers to execute surgical, targeted interventions against

specific violent individuals while maintaining protective shields and open exit corridors for peaceful participants. By visibly protecting non-violent demonstrators from both police excessive force and internal agitators, law enforcement builds tactical trust, reduces collective crowd hostility, and demonstrates a genuine commitment to democratic policing standards.

D. Democratic Accountability and Institutional Oversight

Democratic policing requires that security forces operate under robust mechanisms of internal supervision, legal oversight, and public accountability to prevent the abuse of state power. In the context of protest policing, accountability ensures that field officers, tactical commanders, and institutional leadership are held responsible for unlawful force deployment, civil rights infractions, and operational failures. In post-authoritarian Indonesia, several oversight bodies exist to supervise police conduct, including the National Police Commission (*Kompolnas*), the National Human Rights Commission (*Komnas HAM*), internal division monitoring (*Propam*), and parliamentary oversight committees. These institutional mechanisms were established to guarantee that law enforcement practices remain transparent, constitutional, and aligned with democratic principles.

Despite the existence of this multi-layered oversight architecture, institutional accountability for protest policing misconduct remains significantly constrained by systemic, legal, and operational bottlenecks. Internal disciplinary procedures conducted by *Propam* frequently lack public transparency, leading to perceptions of institutional protectionism and corporate solidarity among police personnel. Officers involved in excessive force incidents or illegal detentions often face minor administrative penalties or internal reassignments rather than transparent criminal prosecution under public legal codes. Furthermore, external oversight bodies like *Kompolnas* lack statutory investigative and enforcement powers, rendering their findings and policy recommendations non-binding on police leadership. This institutional weakness limits external capacity to hold high-ranking operational commanders accountable for systematic tactical failures.

The problem of accountability is further complicated by challenges related to command responsibility and field identification during mass public dispersals. Tactical officers operating in heavy riot gear often obscure or omit identification badges, making individual perpetrator identification virtually impossible for victims and independent human rights monitors. Additionally, high-level operational commands issued during volatile demonstrations are frequently conveyed through informal or non-recorded channels, allowing superior officers to disavow responsibility for unlawful field tactics executed by subordinate units. This diffusion of operational responsibility creates a climate of institutional impunity, where systemic misconduct is routinely attributed to individual field errors rather than structural, tactical, or leadership deficiencies.

Establishing true democratic accountability within Indonesian protest policing requires fundamental legal and institutional reforms across both internal and external oversight frameworks. Statutory powers of external bodies like *Kompolnas* must be enhanced to include independent investigative authority, mandatory document subpoena power, and direct access to internal police disciplinary proceedings. Legally mandating visible identification markings on all public order equipment and introducing mandatory body-worn cameras for field commanders would significantly improve evidential transparency. Furthermore, judicial accountability must be consistently applied to police misconduct, ensuring that human rights violations occurring during public assemblies are prosecuted through civilian courts rather than managed purely as internal administrative infractions.

Conclusion

The policing of mass demonstrations in Indonesia remains a critical benchmark for the country's ongoing democratic consolidation and security sector reform efforts. The transition from an authoritarian security state toward a constitutional democracy requires law enforcement institutions to fundamentally reorient their operational philosophy from state protection to constitutional rights protection. As demonstrated throughout this study, while Indonesia has established impressive formal legal guarantees protecting freedom of assembly and human rights, deep structural contradictions persist between normative legal frameworks and field-level operational execution. The recurrent reliance on indiscriminate force, premature chemical weapon deployment, insufficient tactical differentiation, and opaque accountability mechanisms demonstrates that militarized paradigms still exert a residual influence over contemporary crowd management practices.

Reconciling public order maintenance with civil liberties mandates comprehensive institutional reform across training, tactical deployment, communication structures, and oversight frameworks. Indonesian law enforcement must shift decisively away from reactive, coercive crowd control models toward proactive, negotiated, and procedurally fair engagement strategies. Facilitating peaceful public assemblies must be institutionalized as a core security duty, where coercive force is treated as an absolute last resort applicable only against severe, verified physical threats. Furthermore, establishing transparent internal discipline, strengthening independent external oversight mechanisms, and ensuring strict judicial accountability for human rights violations are essential requirements to eradicate institutional impunity and rebuild public trust in the police force.

Ultimately, the legitimacy of the Indonesian police institution in the post-Reformasi era depends on its capacity to protect constitutional rights while maintaining legitimate public safety. Democracies do not demand the elimination of public protest, but rather the creation of a secure civic space where citizens can express grievances without fear of unlawful state coercion or physical violence. By institutionalizing proportionality, continuous communication, tactical restraint, and democratic accountability into its protest policing doctrine, Indonesia can

safeguard its hard-won democratic freedoms while ensuring sustainable public order across its vibrant society.

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