

RECONSTRUCTING MOBILE BRIGADE AUTHORITY IN LAW ENFORCEMENT OPERATIONS WITHIN ARMED CRIMINAL GROUP CONFLICT AREAS BASED ON LEGALITY AND HUMAN RIGHTS

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Abstract

The purpose of this study is to analyze the reconstruction of the authority of the Indonesian National Police Mobile Brigade in law enforcement operations in conflict-prone areas affected by armed criminal groups based on the principles of legality and human rights. The authority and assignment mechanisms of the Indonesian National Police Mobile Brigade Corps in efforts to restore regional security against armed criminal groups in conflict areas are analyzed. The method used is normative legal research. Based on the research results, it is known that the reconstruction of the authority of the Indonesian National Police Mobile Brigade in law enforcement operations in areas prone to armed criminal group conflicts based on the principles of legality and human rights is basically derived from the attribution authority granted by Law Number 2 of 2002 concerning the Indonesian National Police, specifically Article 13 and Article 14 which regulate the task of maintaining public security and order and law enforcement. However, these regulations are still general in nature and have not specifically regulated the authority of Brimob in dealing with armed criminal groups that have the characteristics of high-intensity threats, use modern weaponry, and apply guerrilla patterns that resemble non-international armed conflicts. This research found a legal vacuum and normative inconsistency that specifically regulates the definition of armed criminal groups, threat classification, limits of Brimob's authority, mechanisms for TNI involvement, operational command structures, standards for the use of force, and mechanisms for protecting human rights in security operations in conflict areas. Therefore, the reconstruction of Brimob's authority must be carried out through the creation of special regulations that place Brimob as the leading sector in law enforcement operations, clarify the TNI assistance mechanism, strengthen the principle of legality, and integrate human rights protection standards based on the principles of legality, necessity, proportionality, and accountability.

Keywords: Reconstruction, Authority, Mobile Brigade

INTRODUCTION

Security in a state based on the rule of law is inseparable from the existence of the state government, law enforcement, and the protection of human rights. A state that fails to guarantee the security of its territory will face a degradation of its legitimacy and the potential for national disintegration. In the context of the Unitary State of the Republic of Indonesia, security challenges become increasingly complex when faced with the issue of armed criminal groups in conflict zones with unique geographic, social, and political characteristics. Armed criminal groups are not merely interpreted as ordinary criminal acts, but as a serious threat to state sovereignty, territorial integrity, and the safety of citizens.

Historically, Indonesia has never been completely free from armed criminal group conflict. Since its independence, the country has faced various movements challenging central authority for ideological, political, and economic reasons. Recent developments have shown that armed criminal group conflicts in several regions have become increasingly organized and armed, exploiting legal loopholes and human rights violations to gain international legitimacy. This situation demands that the state take security restoration measures that are not only operationally effective but also legally valid and constitutionally accountable.

The Mobile Brigade Corps (Mobile Brigade) of the Indonesian National Police is an elite unit of the Indonesian National Police that has special capabilities in handling high-intensity security disturbances, social conflicts, mass riots, terrorism, and search and rescue operations. In carrying out these duties, the Mobile Brigade does not act based on absolute authority, but must be guided by various laws and regulations that regulate the limits of authority, the use of force, the protection of human rights, and procedures for handling conflicts. Therefore, every action of the Mobile Brigade must have a clear legal basis so as not to conflict with the principles of the rule of law as mandated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

The main legal basis for the operational basis of the Mobile Brigade is Law Number 2 of 2002 concerning the Indonesian National Police. Article 13 states that the main duties of the Indonesian National Police are to maintain public security and order, enforce the law, and provide protection, assistance, and services to the community. This provision serves as the philosophical basis for all Polri activities, including the Mobile Brigade, in maintaining national security stability. Furthermore, Article 14 paragraph (1) letter g of Law Number 2 of 2002 states that the Indonesian National Police is tasked with conducting inquiries and investigations into all criminal acts in accordance with criminal procedure law and other laws and regulations. This provision authorizes the Polri to take law enforcement action against any form of criminal act that arises in situations of social conflict or security disturbances. In practice, if social conflict develops into criminal acts such as assault, arson, vandalism, looting, or murder, then members of the Mobile Brigade can be involved to support the law enforcement process in accordance with police authority.

Article 15 paragraph (1) letter a of Law Number 2 of 2002 states that the Indonesian National Police are generally authorized to receive reports and/or complaints. Then Article 15 paragraph (1) letter e states to prevent and overcome the growth of social ills. Meanwhile, Article 15 paragraph (1) letter f states to help resolve disputes between community members that could disrupt public order. These provisions show that the Indonesian National Police not only functions as law enforcers, but also has a preventive function in preventing the development of conflicts that could threaten public security and order.

In the context of social conflict, a more specific legal basis is found in Law Number 7 of 2012 concerning the Management of Social Conflict. Article 1, number 1, states that social conflict is a feud and/or violent physical clash between two or more community groups that lasts for a certain period of time and has widespread impacts that result in insecurity and social disintegration, thus disrupting national stability and hampering national development.

This definition serves as the basis for the state to take legal steps to address conflicts that have the potential to disrupt national stability.

Furthermore, Article 6 of Law Number 7 of 2012 states that conflict management includes:

1. Conflict prevention;
2. Termination of conflict;
3. Post-conflict recovery.

In the conflict termination stage, police officers, including the Mobile Brigade, have a strategic role in stopping ongoing acts of violence. Article 26 paragraph (1) of Law Number 7 of 2012 states that conflict termination is carried out through actions to stop physical violence, determine the status of the conflict, emergency rescue and protection measures for victims, and/or assistance in the use and deployment of TNI forces. This provision shows that conflict termination must be carried out in a measured and coordinated manner. In its implementation, the Mobile Brigade is often the main element of the Indonesian National Police assigned to control the security situation before the conflict develops into a greater threat.

In addition to the law, the use of force by the Mobile Brigade is also regulated in detail in Regulation of the Chief of the Indonesian National Police Number 1 of 2009 concerning the Use of Force in Police Actions. This regulation is crucial because it governs when and how Polri members may use physical force or firearms. Article 3 of Regulation Number 1 of 2009 states that the use of force in police actions is carried out with due regard to the principles of legality, necessity, proportionality, general obligations, prevention, and reasonableness.

The principle of legality requires that every action have a clear legal basis. The principle of necessity dictates that force be used only when absolutely necessary. The principle of proportionality requires that the level of force used be commensurate with the threat faced. Article 5 then regulates the stages of the use of force, which consist of:

1. The presence of uniformed members of the Indonesian National Police;
2. Verbal commands;
3. Soft empty hand control;
4. Hard bare hand control;
5. Use of blunt instruments, chemical instruments, or other instruments in accordance with Indonesian Police standards;
6. The use of firearms or other tools that can stop the perpetrator's actions.

These provisions understand that the use of firearms is a last resort after other measures have failed to effectively stop the threat. Furthermore, the Mobile Brigade is also required to comply with National Police Chief Regulation Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police. Article 3 of the regulation affirms that every member of the Indonesian National Police is required to respect, protect, and uphold human rights in carrying out their duties. Article 11, letter a, states that police officers are required to respect human dignity. Letter b states that they must protect the human rights of every person. Letter c states that they must prevent and refrain from carrying out torture or cruel, inhuman, or degrading treatment. These provisions are crucial considering that Mobile Brigade operations are often carried out in stressful and high-risk conflict situations. Even when facing resistance groups, officers are still required to respect the basic rights of every person in accordance with human rights principles.

Developments in national legal policy have also introduced a restorative justice approach through Indonesian National Police Regulation Number 8 of 2021 concerning the

Handling of Criminal Acts Based on Restorative Justice. Article 1, number 3, defines restorative justice as:

"Resolving criminal acts by involving the perpetrator, victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a just solution."

This approach allows for the peaceful resolution of certain social conflicts if they meet the requirements stipulated by law. However, restorative justice is generally not applied to serious crimes that threaten national security or result in a large number of casualties.

In addition to open regulations, the Mobile Brigade's operations are also based on various Mobile Brigade Corps Commander Regulations (*Perdankorbrimob*), Standard Operating Procedures (SOPs), and internal Operational Plans (*Renops*). These documents technically regulate security patterns, troop formations, the use of special equipment, crowd control procedures, counter-terrorism measures, explosives disposal, and even the Rules of Engagement (Rules of Engagement) during operations. Because they relate to national strategy and security, most of these documents are not made public.

Thus, it is understandable that the Mobile Brigade's actions in addressing social conflicts and domestic security disturbances have a strong and multi-layered legal basis. This foundation begins with Law Number 2 of 2002 concerning the Indonesian National Police as the basis for the police's general authority, Law Number 7 of 2012 concerning Social Conflict Management as the basis for conflict management, Regulation of the Chief of Police Number 1 of 2009 which regulates the use of force, Regulation of the Chief of Police Number 8 of 2009 which regulates respect for human rights, and Regulation of the Chief of Police Number 8 of 2021 concerning restorative justice. All of these regulations demonstrate that every Mobile Brigade action must be carried out according to the law, observing the principle of proportionality, respecting human rights, and aiming to maintain security and public order within the framework of the Indonesian rule of law.

The deployment of the Mobile Brigade in conflict zones is essentially a logical consequence of escalating security disturbances that can no longer be handled by regular police functions. The nature of armed criminal group conflicts, which involve the use of firearms, control of certain territories, and attacks on security forces and civilians, positions the Mobile Brigade as an instrument of the state with specialized tactical capabilities, weaponry, and training. However, this deployment cannot be understood solely as a technical security policy; it must be analyzed from the perspective of constitutional law, state administrative law, and human rights law.

Problems arise when the Mobile Brigade's deployment in conflict zones often falls into a gray area between law enforcement and militaristic security operations. In legal doctrine, the Indonesian National Police (*Polri*) is firmly positioned as a civilian law enforcement agency, not a national defense instrument. Therefore, any use of armed force by the *Polri*, including the Mobile Brigade, must remain within the framework of criminal law, criminal procedure, and the principles of due process of law. This tension between the need for rapid security restoration and the demand for human rights protection is a crucial point in the Mobile Brigade's deployment to armed criminal groups in conflict zones.

The legal basis for assigning the Mobile Brigade stems not only from the Police Law, but also from various implementing regulations, such as Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Police Members, the Chief of Police Regulation concerning the use of force in police actions, and provisions related to the handling of social conflicts and armed security disturbances. Furthermore, Law Number 7 of 2012 concerning the Handling of Social Conflict provides a legal framework for the involvement of security forces in reducing conflicts that have a broad impact on society. In certain contexts, the

assignment of the Mobile Brigade is also related to the state's legal political policy that designates an area as a conflict-prone area or a security operations area.

However, existing legal regulations do not yet fully define the scope of the Mobile Brigade's authority in confronting armed criminal groups. This has the potential to raise legal issues, particularly regarding the use of police discretion, restrictions on human rights, and mechanisms for legal accountability for the actions of officers in the field. In the theory of the rule of law (*rechtsstaat*), every government action must be based on law, carried out by authorized officials, and subject to judicial review. If the Mobile Brigade's assignment lacks clear legal parameters, the risk of arbitrary action (*willekeur*) increases. (Muladi, 2010).

From the perspective of authority theory, as proposed by Philipus M. Hadjon (1987), government authority must stem from legitimate attribution, delegation, or mandate. Ideally, the assignment of the Mobile Brigade to restore regional security should be a form of attribution of authority explicitly stipulated in legislation. However, in practice, such assignments are often based on *ad hoc* administrative decisions, without transparent evaluation parameters. This situation raises fundamental questions about the legal legitimacy of the Mobile Brigade's actions in confronting armed criminal groups, particularly when these actions result in the use of lethal force.

Furthermore, the human rights dimension cannot be ignored in this discussion. Indonesia, as a state party to various international human rights instruments, such as the International Covenant on Civil and Political Rights, has an obligation to ensure that all security operations respect the right to life, the right to freedom from torture, and the right to a fair trial. (Asshiddiqie, 2015). The deployment of the Mobile Brigade in conflict areas often comes under scrutiny due to allegations of human rights violations, both proven and alleged. Therefore, analysis of the Mobile Brigade's deployment must consider the balance between state security and human security.

From the perspective of law enforcement theory, Satjipto Rahardjo emphasized that law should not be understood in a rigid and formalistic manner, but rather should be based on substantive justice. (Rahardjo, 2009). However, this progressive approach does not justify actions by officers who exceed their authority. On the contrary, the assignment of the Mobile Brigade must be placed within a humane, professional, and accountable law enforcement framework. The state's failure to formulate and implement a legally based assignment policy has the potential to prolong the conflict and deepen public distrust of the security forces.

In conflict zones, the threat of armed criminal groups typically manifests itself in armed movements, propaganda for secession, attacks on security forces, destruction of public facilities, and intimidation of civilians. Such conditions seriously disrupt national stability, requiring the state to take steps to restore security. In practice, the Mobile Brigade is often deployed through integrated security operations with the Indonesian National Armed Forces (TNI) to control conflict situations and prevent further escalation of violence.

However, the deployment of the Mobile Brigade in conflict zones also raises various legal and human rights issues. The use of armed force by security forces often comes under scrutiny when deemed to have exceeded their authority or resulted in civilian casualties. Therefore, the Mobile Brigade's actions must adhere to the principles of necessity, proportionality, and accountability in the use of force. Furthermore, a security-only approach is often deemed insufficient to address the root causes of armed criminal group conflicts, which are also related to social, economic, political, and welfare issues in conflict areas.

The following are three examples of prominent incidents experienced by Korbrimob Polri personnel while carrying out their duties in Papua:

- 1. Attack on Kiwirok District, Pegunungan Bintang Regency in 2021**

Another prominent incident occurred in September 2021 in Kiwirok District, Pegunungan Bintang Regency, Papua. At that time, armed groups carried out a series

of violent acts, including the burning of public facilities, including community health centers, schools, and other public service facilities. The deteriorating security situation prompted the government to deploy joint personnel, including the Mobile Brigade Corps (Brimob) of the Indonesian National Police (Polri), to secure the area and evacuate health workers whose safety was threatened. During this task, Brimob personnel faced various operational obstacles, including extreme weather conditions, difficult-to-reach mountainous terrain, and repeated guerrilla attacks by armed groups. Gunfire broke out on several occasions as authorities attempted to secure evacuation routes and vital facilities that were still functioning. During the operation, Bharatu (posthumously) Muhammad Kurniadi Sutio was killed while securing the airport area used as an evacuation point for the public and health workers. This incident was a notable event because it demonstrated the high demands for professionalism, courage, and physical endurance for Brimob personnel in carrying out humanitarian duties and securing security in high-threat areas. From an operational perspective, the Kiwirok case also demonstrates the importance of logistical preparedness, air transportation support, and cross-agency coordination in dealing with security emergencies in Papua.

2. Shooting Contact in Titigi District, Intan Jaya Regency in 2023

One of the most prominent incidents experienced by personnel from the Indonesian National Police Mobile Brigade Corps (Brimob) while carrying out their duties in Papua occurred in September 2023 in Titigi District, Intan Jaya Regency, Central Papua. This incident began when personnel from the Cartenz Peace Operation Task Force were conducting a security patrol in an area considered vulnerable to armed group disturbances. The patrol aimed to maintain public security and anticipate various forms of potential public order and security disturbances in the area. During the patrol, Brimob personnel were suddenly attacked by an Armed Criminal Group (KKB), which exploited the hilly and high geographical location to open fire on security forces. The difficult terrain and limited personnel mobility led to a prolonged firefight. As a result of this incident, a member of the Indonesian National Police Mobile Brigade Corps, First Brigadier (posthumously) Rudi Agung Ashari, died after suffering a gunshot wound while carrying out state duties. This incident demonstrates that carrying out security duties in the Papua region carries a very high level of risk, particularly due to the difficult characteristics of the operational terrain and the guerrilla tactics used by armed groups. In addition, this incident provides a clear illustration of the importance of personnel preparedness, tactical capabilities, and adequate equipment support in carrying out police operations in conflict areas.

3. Search and Rescue Operation for Susi Air Pilot in Nduga Regency 2023–2024

The next prominent event was the involvement of the Indonesian National Police Mobile Brigade Corps (Brimob) in the search and release operation for Susi Air pilot Philip Mark Mehrrens, who was held hostage by an armed group led by Egianus Kogoya in Nduga Regency. This operation lasted for a long time, from 2023 to 2024, and involved personnel from the Cartenz Peace Operation Task Force along with elements of the Indonesian National Armed Forces (TNI). During the operation, Brimob personnel conducted various intelligence activities, forest patrols, reconnaissance, and pursuit of the hostage-takers who moved from location to location in the mountainous and wilderness areas of Nduga. The complexity of the operation increased as the armed group exploited the difficult geographical conditions and employed guerrilla movements to evade authorities. In the process, several personnel were injured due to attacks by the armed group and the difficult terrain conditions. Nevertheless, the ongoing operation succeeded in narrowing the hostage-takers' range of movement until the hostages were finally released safely. This incident became one

of the most prominent operations in the history of the Indonesian National Police Mobile Brigade Corps (Brimob) deployment in Papua, demonstrating the personnel's ability to conduct long-term operations combining intelligence, police tactics, inter-agency coordination, and survival skills in mountainous forest areas. Furthermore, the operation also demonstrated the importance of synergy between the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri) in addressing complex security threats in Papua.

The three cases above demonstrate the main characteristics of the Mobile Brigade Corps (Korbrimob) assignment in Papua, namely facing hit-and-run guerrilla tactics, the enemy's exploitation of mountainous terrain, and the dual task of law enforcement and humanitarian protection (resident/medical evacuation). These three incidents demonstrate that the challenges of the Indonesian National Police's Mobile Brigade Corps (Korbrimob) assignment in Papua are not only related to security threats from armed groups, but are also influenced by geographical factors, limited transportation access, weather conditions, and the need for cross-sector coordination. Therefore, improving personnel capabilities, strengthening logistical support, utilizing intelligence technology, and building cooperation with local communities are important factors in supporting the successful implementation of the Indonesian National Police's Mobile Brigade Corps (Korbrimob) assignments in the Papua region.

In carrying out their duties in conflict zones, the Mobile Brigade is often faced with situations that pose a high risk to the safety of both personnel and the public. For example, if an armed group attacks public facilities in a conflict zone, the Mobile Brigade's task is not only to enforce the law against the perpetrators, but also to secure the community, evacuate victims, protect vital state assets, and restore security so that community activities can return to normal. In such situations, Mobile Brigade members must act quickly based on operational orders and provisions for the use of force stipulated in laws and regulations. However, the current development of security threats has created a need for clearer legal norms for Mobile Brigade members serving in conflict zones. One new norm that needs to be considered is a more stringent regulation regarding the legal status of conflict zones, the limits of authority to use force, legal protection for members who act according to procedures, and accountability mechanisms in the event of the use of force resulting in casualties.

These regulations are crucial because, in practice, Mobile Brigade members often face situations that require quick decisions in the field, while existing regulations sometimes do not fully address the characteristics of evolving threats. As a result, members who have carried out their duties in accordance with operational procedures are potentially exposed to legal challenges after the operation concludes. Therefore, further study is needed on the implementation of applicable regulations, particularly regarding legal protection for Mobile Brigade members carrying out their duties in conflict areas. Strengthening these regulations must remain guided by the principles of legality, proportionality, accountability, and respect for human rights. With clearer and more comprehensive regulations, the Mobile Brigade's duties in conflict areas can be carried out more effectively without compromising legal protection for personnel carrying out state duties.

Conflicts over the authority of the Mobile Brigade (Brimob) of the Indonesian National Police (Polri) arose due to the lack of clear regulations defining the limits of Brimob's authority in dealing with Armed Criminal Groups (KKB). On the one hand, based on Law Number 2 of 2002 concerning the Indonesian National Police, Brimob is tasked with handling high-intensity security disturbances. However, in practice, operations against KKB often have the characteristics of armed conflict, approximating the function of national defense, which is the domain of the Indonesian National Armed Forces (TNI).

This situation creates a lack of clarity between the law enforcement approach adopted by the Indonesian National Police (Polri) and the defense approach undertaken by the Indonesian National Armed Forces (TNI). Consequently, there is the potential for violations of the principle of legality, as repressive measures are not always supported by a clear and specific legal basis.

In conflict-prone areas, Brimob serves as an elite police unit tasked with addressing high-intensity security threats, including terrorism, mass riots, and armed groups. Brimob's conflict management must be based on the principles of necessity, proportionality, legality, and accountability, as stipulated in international human rights principles.

Any use of force must be carried out in stages, in accordance with the National Police Chief's Regulation on the use of force in police operations. A repressive approach should be a last resort after preventive, persuasive, and negotiating efforts have been exhausted. Therefore, Brimob operations are not only focused on enforcement but also on protecting civilians in conflict areas.

The armed conflict in Papua has long historical roots dating back to the integration of Papua into the Unitary State of the Republic of Indonesia through a process known as the Act of Free Choice (Pepera) in 1969. Since then, various groups have emerged that reject the results of integration and have resisted the Indonesian government.

The conflict then transformed from a separatist movement into armed violence targeting both security forces and civilians. The Indonesian government categorized the group as an Armed Criminal Group (KKB) because their actions met the criteria for criminal offenses, including murder, assault, destruction of public facilities, and terrorizing the community.

This situation poses a major challenge for law enforcement officials due to the characteristics of the conflict which fall between ordinary criminal acts and non-international armed conflicts.

The division of authority between the TNI and the Polri is normatively regulated in Article 30 of the 1945 Constitution, Law Number 34 of 2004 concerning the TNI, and Law Number 2 of 2002 concerning the Polri.

The TNI's primary function is as a national defense instrument, addressing military threats and safeguarding national sovereignty. Meanwhile, the Polri (National Police) is tasked with maintaining public order and security, enforcing the law, and providing protection and services to the public.

In dealing with the armed criminal group (KKB), the Indonesian National Police (Polri), through the Mobile Brigade Corps (Brimob), acts as the leading sector because the issue is classified as a criminal offense. The TNI's involvement is carried out through a mechanism of assistance to the Polri, in accordance with statutory provisions. However, the lack of comprehensive technical regulations regarding this assistance pattern often leads to differing interpretations in the implementation of operations in the field.

Legal certainty is a crucial element in a state governed by the rule of law (*rechtstaat*). Every Brimob action in law enforcement operations must have a clear legal basis, whether related to the use of firearms, arrests, searches, or other repressive measures.

The unclear status of the conflict and the legal status of the armed groups (KKB) often creates legal uncertainty for both authorities and the public. Therefore, regulatory reform is needed to clearly define operational procedures, limits on the use of force, accountability mechanisms, and human rights protections in law enforcement operations in conflict areas.

With clear regulations, officials have definite guidelines for action, while the public is guaranteed protection of their rights.

The overlapping authority between the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri) is one of the main problems in handling the armed

criminal group (KKB). Normatively, the Polri is responsible for law enforcement, while the TNI is responsible for maintaining national defense. However, the nature of the KKB threat, which uses firearms and guerrilla tactics, often leads to the simultaneous involvement of both institutions.

The absence of detailed operational regulations regarding the limits of authority of each institution can lead to dualism of command, coordination difficulties, and potential human rights violations. Therefore, harmonization of laws and regulations is necessary through the creation of regulations that explicitly regulate the coordination mechanisms, operational command, and division of duties between the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri).

One of the fundamental problems in law enforcement operations against armed groups (KKB) is the legal vacuum regarding the classification of conflict status and the types of operations used. To date, there is no specific law governing the handling of domestic armed groups with characteristics similar to the KKB.

As a result, authorities often use various legal instruments partially, such as the Criminal Code, the Terrorism Law, the Indonesian National Armed Forces Law, and the Indonesian National Police Law. This situation has the potential to lead to inconsistent legal application and uncertainty in upholding human rights.

Legal reconstruction is necessary through the creation of specific regulations governing the definition, legal status, authority of officers, use of force, oversight mechanisms, and human rights protections in operations against armed groups. This way, the principles of legality and respect for human rights can be implemented in a balanced manner in every law enforcement operation by Brimob.

The reconstruction of Brimob's authority in law enforcement operations against Armed Criminal Groups must be carried out through strengthening the legal basis, clarifying the division of authority with the Indonesian National Armed Forces (TNI), and implementing regulations oriented towards protecting human rights. The ongoing conflicting norms, overlapping authority, and legal vacuum can be minimized through regulatory harmonization and the creation of specific rules that provide legal certainty for both officers and the public. This way, Brimob's duties in conflict-prone areas can be carried out effectively, professionally, and in accordance with the principles of the rule of law.

Security operations must remain within the framework of the rule of law (*rechtstaat*) so that every action by the authorities can be legally accounted for. Therefore, a balance between security and welfare approaches is necessary to ensure that the restoration of regional security is not merely temporary but can foster sustainable peace. Reconstructing the Authority of the Indonesian National Police Mobile Brigade in Law Enforcement Operations in Conflict-Prone Areas of Armed Criminal Groups Based on the Principles of Legality and Human Rights is not merely a matter of security operations, but rather a complex and multidimensional legal issue. This issue touches on aspects of the constitutionality of authority, legal certainty, protection of human rights, and the legitimacy of the state in using force. Therefore, an in-depth and comprehensive legal review is crucial to ensure that the Mobile Brigade's assignment is truly in line with the principles of the rule of law and the national objectives as mandated in the Preamble to the 1945 Constitution.

RESEARCH METHODS

This research is a normative legal study that aims to examine and reconstruct the authority of the Indonesian National Police Mobile Brigade in law enforcement operations in areas prone to armed criminal group conflict based on the principles of legality and human rights. The approaches used include a statutory approach, a conceptual approach, and a

comparative approach by comparing the regulations and practices of police authority in Indonesia, Thailand, and Myanmar.

The research data sources are secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The legal materials were collected through library research and unstructured interviews, which served only as supporting data.

The data obtained were analyzed descriptively and qualitatively by reviewing and interpreting various laws and regulations, doctrines, and literature related to the research problem. Furthermore, conclusions were drawn using a deductive method, which involves outlining general legal norms to address specific and concrete legal problems.

RESULT AND DISCUSSION

Reconstruction of the Authority of the Indonesian National Police Mobile Brigade in Law Enforcement Operations in Areas Prone to Conflict by Armed Criminal Groups Based on the Principles of Legality and Human Rights

The Republic of Indonesia is a state of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The Republic of Indonesia is a state of law". The consequence of this principle of a state of law is that every action of state administrators, including law enforcement officers, must be based on applicable law and implemented while still respecting human rights. In the context of law enforcement against Armed Criminal Groups (KKB) in conflict-prone areas such as Aceh, Poso, and Papua, the existence of the Mobile Brigade (Brimob) of the Indonesian National Police is very important because this unit has special capabilities in dealing with high-intensity security disturbances. However, the development of increasingly complex threat characters has given rise to various legal issues related to the limits of Brimob's authority, the relationship of authority with the Indonesian National Armed Forces (TNI), and guarantees of human rights protection in every operation carried out.

Normatively, the authority of the Indonesian National Police is regulated in Law Number 2 of 2002 concerning the Indonesian National Police. Article 13 of the Law stipulates that the main duties of the Indonesian National Police include maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community. Furthermore, Article 14 paragraph (1) letter g emphasizes that the Indonesian National Police is tasked with conducting investigations and inquiries into all criminal acts in accordance with criminal procedure law and other laws and regulations. This provision is the main legal basis for Brimob as an element implementing the duties of the Indonesian National Police in dealing with armed groups categorized as committing criminal acts.

Problems arise when the armed groups they face no longer simply commit ordinary crimes, but instead employ military weaponry, guerrilla tactics, seize control of specific territories, and conduct organized attacks on state officials. In such circumstances, law enforcement operations conducted by Brimob often straddle a gray area between domestic security functions, which fall under the authority of the Indonesian National Police (Polri), and national defense functions, which fall under the authority of the Indonesian National Armed Forces (TNI). This situation creates conflicting norms and unclear operational legal frameworks, potentially leading to violations of legality and human rights.

The principle of legality is a fundamental principle in a state of law that requires that every government action must be based on clear legal rules. In the context of criminal law, the principle of legality is reflected in Article 1 paragraph (1) of the Criminal Code which states that no act can be punished except based on statutory provisions that existed before the act was committed. In the context of the authority of state officials, the principle of legality means that the use of force by officials must have a clear, proportional, and accountable legal basis (Hiariej, 2009).

On the other hand, the principle of respecting human rights is also an important foundation in every law enforcement operation. Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia emphasizes that the protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government. In addition, Law Number 39 of 1999 concerning Human Rights obliges all state officials to respect and protect the right to life, the right to feel safe, and the right to be free from torture. Therefore, every Brimob operation must be carried out within the law and human rights corridors.

The conflict over Brimob's authority norms arises primarily due to the different nature of the threats faced. Based on Article 7 paragraph (1) of Law Number 34 of 2004 concerning the TNI, the TNI's main task is to uphold state sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia, and protect the entire nation from military and armed threats. Meanwhile, the Indonesian National Police, based on Article 13 of Law Number 2 of 2002, is tasked with public security and order.

The problem is that armed groups like the Free Papua Movement (OPM) and other armed groups exhibit characteristics that resemble armed threats to the state. In practice, the state continues to employ a law enforcement approach, with the Indonesian National Police (Polri) as the leading sector. However, the Indonesian National Armed Forces (TNI) is also involved in operations through a mechanism of assistance to the Polri.

This situation creates uncertainty regarding the limits of the use of force, the chain of command, legal accountability mechanisms, and the appropriate operational standards. Consequently, officers in the field often face a dilemma between adopting a law enforcement paradigm or a military operations paradigm. This ambiguity highlights the need to reconstruct legal norms specifically governing law enforcement operations against armed criminal groups.

The Aceh conflict represents one of the most complex examples in Indonesia's national security history. It involved the Free Aceh Movement (GAM), which had been fighting against the Indonesian government since 1976. During the conflict, the Indonesian National Police (Polri) and the Indonesian National Armed Forces (TNI) were simultaneously involved in security operations. The government even declared a state of martial law through Presidential Decree No. 28 of 2003.

During operations, it is often difficult to distinguish between law enforcement and national defense. Many security measures are carried out using a military approach, drawing criticism from various human rights organizations. The Aceh experience demonstrates that without clear boundaries of authority, security operations have the potential to lead to human rights violations and legal uncertainty (Juwana, 2006).

The Aceh peace agreement, achieved through the 2005 Helsinki Memorandum of Understanding (MoU), demonstrates that conflict resolution cannot rely solely on repressive approaches. Legal approaches, dialogue, human rights protection, and socio-economic development have proven more effective in creating long-term stability.

The Poso conflict differs from Aceh in that it began as a communal conflict that escalated into a threat of terrorism and armed groups. In handling this conflict, the Indonesian National Police (Polri) prioritized a law enforcement approach through various security operations, including Operation Tinombala.

The success of the Poso operation demonstrated that a legal approach supported by the tactical capabilities of Brimob can be an effective tool in dealing with armed groups. However, the operation also demonstrated the importance of clear regulations regarding the use of lethal force, arrests of armed groups, and independent oversight mechanisms for security forces' actions (Karnavian, 2008).

Papua is a region that continues to face threats from armed criminal groups. The

nature of the conflict in Papua is more complex than in Aceh and Poso, involving political, historical, identity, socio-economic, and security aspects.

In dealing with the armed criminal group (KKB), the government has adopted a law enforcement approach, positioning the Indonesian National Police (Polri) as the primary actor. The Mobile Brigade Corps (Brimob) is one of the units most frequently involved in security operations. However, the increasing intensity of the conflict has led to increased TNI involvement, making the boundaries of authority between the two institutions increasingly difficult to distinguish.

The main problem in Papua is the lack of specific regulations governing the legal status of these armed groups. The state categorizes them as criminals, but the methods used to deal with them often resemble counter-insurgency operations. This situation creates legal uncertainty for both authorities and civilians.

Law enforcement must be oriented toward humanity and the welfare of society, not merely the rigid application of rules (Rahardjo, 2010). Within the international legal system, several countries have developed a clearer model for the division of authority between the police and the military. In the Philippines, dealing with armed groups like the Abu Sayyaf involves the Philippine National Police and the Armed Forces of the Philippines. However, the division of authority is regulated in greater detail, so that military involvement is only undertaken when the threat qualifies as a threat to national security. The experiences of these countries demonstrate that the success of dealing with armed groups depends heavily on a clear legal basis, a clear division of authority, and effective oversight mechanisms.

The reconstruction of Brimob's authority must be carried out through the establishment of regulations that clearly regulate: First, the classification of national security threats that distinguish between ordinary criminal acts, organized armed crime, and armed threats to the state. Second, affirmation of Brimob's position as the leading sector in law enforcement operations against armed criminal groups as long as the threat remains categorized as a criminal act. Third, regulations regarding the involvement of the Indonesian National Armed Forces (TNI) through a clear assistance mechanism, including limits of authority, operational command, and legal accountability. Fourth, the application of human rights principles in every operation by strengthening standards for the use of force based on the principles of legality, necessity, proportionality, and accountability. Fifth, the establishment of an independent oversight mechanism involving the National Human Rights Commission (Komnas HAM), the Ombudsman, and the National Police's internal oversight body.

One of the fundamental issues in implementing law enforcement operations against Armed Criminal Groups (KKB) in Indonesia is the legal vacuum and overlapping authority between the Indonesian National Police and the Indonesian National Armed Forces. This problem becomes even more complex when the threat faced has dual characteristics: a criminal act and an armed threat that has the potential to undermine state sovereignty.

Constitutionally, the division of security and defense functions has been affirmed in Article 30 paragraph (2), paragraph (3), and paragraph (4) of the 1945 Constitution of the Republic of Indonesia. This provision stipulates that state defense and security efforts are implemented through a total people's defense and security system with the TNI as the main force in the defense sector and the Polri as the main force in the field of security and public order. Thus, the lawmakers have actually made a clear distinction between defense and security functions.

Further details are contained in Law Number 34 of 2004 concerning the TNI and Law Number 2 of 2002 concerning the Indonesian National Police. Article 7 paragraph (1) of the TNI Law states that the main duties of the TNI are to uphold state sovereignty, maintain the territorial integrity of the Republic of Indonesia, and protect the entire nation from military

threats and armed threats. Meanwhile, Article 13 of the Indonesian National Police Law gives the Indonesian National Police the task of maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community.

While the normative framework appears clear, in practice, handling armed criminal groups (KKB) remains a gray area that has not been specifically regulated by law. No single law explicitly defines the category of "armed criminal group," the characteristics of its threat, its legal status, or its handling mechanisms. Consequently, law enforcement officials employ a variety of legal instruments depending on operational needs.

In the Papuan context, for example, armed groups are often categorized as criminals under the Criminal Code, Law No. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism, and internal police regulations. However, the pattern of attacks involving the use of automatic weaponry, control of mountainous areas, attacks on security posts, and actions threatening the integrity of the state demonstrate the characteristics of armed threats, which, in national security law theory, fall more closely within the realm of national defense.

This lack of clarity in classification has led to a dual approach. When using a criminal law approach, operations must adhere to the principles of due process of law, the presumption of innocence, limitations on the use of force, and the protection of human rights. However, when the approach resembles a military operation, the pattern of action tends to be more offensive and oriented toward destroying the opposing force.

This situation has the potential to create conflicts of authority. In several security operations in Papua, the Mobile Brigade Corps (Brimob) and the Indonesian National Armed Forces (TNI) are simultaneously involved in the same operational area. Although formally the TNI acts in support of the Indonesian National Police (Polri), at the operational level, it is often difficult to distinguish who is responsible for a particular action. As a result, when allegations of human rights violations or procedural errors occur, the legal accountability process becomes complex, as it involves two distinct legal regimes: disciplinary law and military justice for TNI members and disciplinary law and general justice for Polri members.

This legal vacuum demonstrates that the current regulations are inadequate to address the dynamics of modern security threats. Therefore, legal reform is needed that provides a clear definition of armed criminal groups, threat classifications, handling mechanisms, and a clear division of authority between the Indonesian National Police (Polri) and the Indonesian National Armed Forces (TNI).

In a democratic state based on the rule of law, the implementation of security operations cannot be separated from the principle of respect for human rights. Law enforcement carried out by Brimob must continue to guarantee the protection of the right to life, the right to security, the right to justice, and the right to be free from torture and other degrading treatment.

Constitutionally, human rights guarantees are contained in Articles 28A to 28J of the 1945 Constitution of the Republic of Indonesia. Article 28A states that everyone has the right to live and the right to defend their life and livelihood. Article 28G paragraph (1) emphasizes that everyone has the right to protection of themselves, their families, their honor, their dignity, and their property. Furthermore, Article 28I paragraph (1) states that the right to life is a human right that cannot be reduced under any circumstances.

These principles are reinforced in Law Number 39 of 1999 concerning Human Rights and various international instruments ratified by Indonesia. In the context of the use of force by police officers, the most relevant international standard is the 1990 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

This principle stipulates that the use of force by law enforcement officers must meet four main requirements: legality, necessity, proportionality, and accountability. Legality requires that officers' actions have a clear legal basis. Necessity means the use of force only

when absolutely necessary. Proportionality requires that the level of force used be commensurate with the threat faced. Accountability, meanwhile, requires a mechanism for accountability for every officer's actions.

In the Indonesian legal system, these principles are accommodated through National Police Chief Regulation No. 1 of 2009 concerning the Use of Force in Police Actions. This regulation outlines six stages of the use of force: police presence, verbal commands, soft hand-to-hand control, hard hand-to-hand control, the use of blunt weapons or chemicals, and the use of firearms.

In practical operations against armed criminal groups (KKB), implementing these principles faces significant challenges. Officers are often confronted with rapidly escalating firefights that threaten life. In such circumstances, the use of lethal force is justified as long as it meets the principles of necessity and proportionality.

However, various reports from human rights organizations indicate that conflict zones are often vulnerable to human rights violations. Allegations of arbitrary arrests, excessive use of force, and misidentification of civilians are some of the issues that frequently arise. Therefore, strengthening oversight of Brimob operations is an essential need.

From a human rights law perspective, the success of a security operation is measured not only by the number of perpetrators arrested or incapacitated, but also by the state's ability to maintain a balance between security interests and the protection of citizens' rights (Muladi, 2009). The state must not sacrifice human rights in the name of security, but at the same time, it must not allow armed threats to interfere with the rights of the wider community.

Based on the various normative issues outlined previously, a reconstruction of Brimob's authority is needed that can address future legal needs (*ius constituendum*). This reconstruction must be oriented toward three main goals: legal certainty, effective law enforcement, and human rights protection.

Legal reconstruction is essentially an effort to improve existing legal norms (*ius constitutum*) to address the legal needs of society and evolving threats to national security. In the context of the National Police Mobile Brigade's authority in handling Armed Criminal Groups (KKB), a gap was found between the applicable law (*das sollen*) and the reality on the ground (*das sein*).

Within this framework, armed criminal groups that commit murder, attacks on officers, damage public facilities, take hostages, or other acts of violence are subject to criminal law, under the authority of the Indonesian National Police (Polri). Therefore, theoretically, Brimob, as an elite Polri unit, has the legitimacy to take police action against such groups.

However, in practice, the threats faced no longer resemble ordinary criminal acts. Armed groups in Papua, for example, use long-barreled firearms, conduct organized attacks, control certain areas, and employ guerrilla tactics, which, from a national security perspective, are characteristic of armed threats. This situation makes the involvement of the Indonesian National Armed Forces (TNI) an operational necessity.

Problems arise because, to date, there are no specific regulations comprehensively governing the authority relationship between Brimob and the Indonesian National Armed Forces (TNI) in handling armed criminal groups. As a result, coordination mechanisms often rely on operational policies that are administrative in nature and lack the force of law. This situation has the potential to create legal uncertainty, overlapping authority, and difficulties in determining legal accountability in the event of violations during operations.

The main problem in the implementation of law enforcement operations by the Indonesian National Police Mobile Brigade against Armed Criminal Groups (KKB) lies in the lack of comprehensive regulations governing the authority of the institutions involved, the mechanisms for the use of force, and the limits of the Indonesian National Armed Forces'

involvement in domestic security operations. As a result, a situation has emerged that can be categorized as normative inconsistency, namely a situation where the practice of exercising state power is not fully supported by clear and adequate legal norms.

According to Philipus M. Hadjon (2011), authority (*bevoegdheid*) is the formal power granted by statutory regulations to government organs to carry out public legal actions. Authority can only be obtained through three means: attribution, delegation, and mandate. Attribution is the granting of authority directly derived from law or the constitution. Delegation is the transfer of authority from one official to another. A mandate is the exercise of authority by another official on behalf of the mandate giver (Ridwan, 2020).

If analyzed based on this theory, the authority of the Indonesian National Police in enforcing the law against armed criminal groups actually stems from the attribution given by Law Number 2 of 2002 concerning the Indonesian National Police. Article 13 emphasizes that the Indonesian National Police is tasked with maintaining public security and order, enforcing the law, and providing protection and services to the community. Furthermore, Article 14 paragraph (1) letter g gives the Indonesian National Police the authority to conduct inquiries and investigations into all criminal acts.

However, the National Police Law never provides specific provisions for dealing with armed criminal groups characterized by high-intensity armed threats. In other words, the authority assigned to the National Police only regulates general law enforcement and does not specifically address security operations against groups using guerrilla warfare methods, military weaponry, or controlling specific territories.

This lack of norms has led Brimob to operate in practice beyond the authority assigned by lawmakers. This situation is further complicated when the Indonesian National Armed Forces (TNI) is involved in the same operation. Theoretically, TNI involvement can only occur if there is a legal basis that clearly regulates the form, scope, and limits of such assistance. However, to date, there has been no Presidential Regulation specifically regulating the mechanism for TNI assistance to the Indonesian National Police (Polri) in handling armed criminal groups.

As a result, the authority relationship between the Indonesian National Police (Polri) and the Indonesian National Armed Forces (TNI) is based more on operational policies than on generally binding legal norms. This situation contradicts the principle of attribution of authority, which requires that every use of state power must have a clear legal basis (Hadjon, 1992).

The concept of a state based on the rule of law requires that all government actions be based on law. Friedrich Julius Stahl explained that a state based on the rule of law has four main elements: protection of human rights, division of power, government based on law, and an independent judiciary (Stahl, 1878).

In the Indonesian context, the principle of the rule of law is affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on the rule of law. Consequently, all actions by security forces must have a clear legal basis, be accountable, and be subject to legal oversight mechanisms.

Jimly Asshiddiqie explains that the main principle of a modern constitutional state is the principle of legality, which requires that every government action be legitimized by applicable law (Asshiddiqie, 2011). No state authority may be exercised solely on administrative policy without adequate legal support.

In the practice of dealing with armed criminal groups in Papua, Aceh during the conflict, and Poso, there has been a tendency to use joint operations between the Indonesian National Police (Polri) and the Indonesian National Armed Forces (TNI). However, these operations lack a legal basis, specifically regulating the status of armed criminal groups, classifying their threats, and procedures for TNI involvement.

This situation creates what's known as a gray area of authority. On the one hand, armed criminal groups are positioned as perpetrators of criminal acts and therefore subject to police law enforcement. However, on the other hand, the nature of their threats is treated as national security threats involving military operations.

Such a situation has the potential to violate the principle of legality because the actions of the authorities could exceed the authority explicitly granted by law. According to Utrecht (1985), any government action lacking a clear legal basis constitutes an abuse of authority (*detournement de pouvoir*). Therefore, from a state of law perspective, regulatory reconstruction is necessary through the creation of laws or at least Presidential Regulations specifically governing the handling of armed criminal groups to avoid legal uncertainty.

Human rights are an inseparable element of the concept of a state based on the rule of law. According to Muladi (2009), human rights protection in the criminal justice system is an instrument to limit the use of state power so that it is not carried out arbitrarily. In the context of Brimob operations, human rights protection is very important because the use of armed force has the potential to result in restrictions on the right to life, the right to security, the right to liberty, and the right to receive fair treatment.

Constitutionally, Article 28A of the 1945 Constitution of the Republic of Indonesia guarantees the right to life for every citizen. Article 28G guarantees the right to self-protection and a sense of security. Furthermore, Article 28I paragraph (4) emphasizes that protecting human rights is the responsibility of the state.

In international law, the principles of the use of force by law enforcement officials are regulated in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990. This instrument stipulates that the use of force must comply with the principles of legality, necessity, proportionality, and accountability.

A problem encountered in operations against armed criminal groups is the lack of specific regulations regarding the standards for the use of force applicable in domestic armed conflict situations. As a result, authorities often use conventional police standards to deal with threats that have military characteristics.

This normative error has the potential to create two risks simultaneously. First, authorities could be deemed to have violated human rights if they use excessive force. Second, authorities could lose operational effectiveness if constrained by norms that do not align with the nature of the threat faced. Therefore, legal reconstruction must produce different standards for the use of force for handling ordinary crimes and high-intensity armed criminal groups. This way, human rights protection remains assured without compromising the effectiveness of law enforcement.

Through this reconstruction, Brimob's authority in law enforcement operations in areas prone to armed criminal group conflict will have a clearer legal basis, avoid overlapping authority with the TNI, guarantee legal certainty for officers, and provide optimal protection for human rights as mandated by the 1945 Constitution of the Republic of Indonesia.

The Authority and Assignment Mechanism of the Indonesian National Police Mobile Brigade Corps in Efforts to Restore Regional Security Against Armed Criminal Groups in Conflict Areas

The existence of the Mobile Brigade Corps of the Indonesian National Police (Brimob Polri) in the national security system is a logical consequence of the state's obligation to guarantee public protection as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia. In the context of armed conflict involving armed criminal groups (KKB), the state is not only required to enforce the law, but also to maintain the stability of security and public order in a sustainable manner. Therefore, the assignment of Brimob cannot be understood solely as a repressive police action, but rather as part of the state's

instrument in carrying out the functions of protection, protection, service, and law enforcement against security threats that have a high level of escalation.

Theoretically, Brimob's authority in handling armed criminal groups can be explained through the theory of authority. According to Philipus M. Hadjon (2019), authority is formal power obtained through attribution, delegation, or mandate granted by statutory regulations. From this perspective, Brimob obtains legal legitimacy through the attribution of authority granted by Law Number 2 of 2002 concerning the Indonesian National Police. Article 13 of the Law emphasizes that the main duties of the Indonesian National Police include maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community. Thus, every Brimob operation against armed criminal groups constitutes an implementation of the authority granted directly by law.

Within the framework of a state based on the rule of law, the use of force by security forces must be based on the principle of legality. This principle requires that any action restricting citizens' rights must have a clear legal basis. Therefore, the deployment of Brimob (Mobile Brigade Corps) in regional security restoration operations cannot be carried out arbitrarily, but must follow procedures established by the national legal system. Brimob's presence becomes relevant when security threats exceed the capacity of regular regional police forces and require specialized capabilities to deal with high-intensity situations.

Armed criminal groups are essentially organizations that commit crimes using firearms and other dangerous weapons in an organized manner. These groups differ from conventional criminals in that they possess the capacity for mass mobilization, control of specific territories, systematic use of violence, and the ability to carry out attacks on state officials and civilians. In this context, the approach used must not only involve conventional law enforcement but also require an integrated security strategy.

According to national security theory, a state has the right and obligation to defend its existence from threats that could disrupt political, economic, social, and security stability (Buzan, 1991). The threats posed by armed criminal groups not only impact individual victims but also have the potential to undermine state sovereignty if not addressed effectively. Therefore, the deployment of Brimob (Mobile Brigade Corps) represents a form of implementation of the state's obligation to safeguard national security through law enforcement mechanisms.

The operational authority of Brimob is more specifically regulated in Regulation of the Chief of the Republic of Indonesia National Police Number 21 of 2010 concerning the Organizational Structure and Work Procedures of Organizational Units at the National Police Headquarters Level. This regulation emphasizes that the Brimob Corps has the function of dealing with high-level security disturbances, handling certain types of terrorism, defusing explosives, search and rescue, and other special police operations. This normative construction indicates that Brimob is an elite Polri unit designed to deal with security situations that cannot be handled by regular police units.

From the perspective of law enforcement theory put forward by Soerjono Soekanto (2018), successful law enforcement is influenced by five factors: the law, law enforcement officers, facilities and infrastructure, society, and legal culture. In the context of operations against armed criminal groups, Brimob represents the law enforcement agency with the special capacity to ensure the law is effectively enforced. Without adequate operational capabilities, legal norms will remain mere rules without coercive power.

The mechanism for assigning Brimob personnel to regional security restoration operations begins with the identification of security threats. This identification is conducted through a police intelligence process aimed at obtaining information on the strength, organizational structure, operational patterns, hideouts, and funding sources of armed criminal groups. Intelligence information is a crucial basis for determining the threat level and the need

for Brimob troop deployment.

Once a threat is identified, a security analysis is conducted by police leaders at both the regional and central levels. Under certain circumstances, the Regional Police Chief can request assistance from the National Police Headquarters (Mabes Polri) for Brimob troops if regional personnel capacity is deemed insufficient. Based on the analysis, the National Police Chief or a designated official can issue an operational order, which serves as the legal basis for deploying Brimob troops to conflict areas.

The next step is the development of an operational plan. This stage involves mapping the area, identifying operational targets, determining action patterns, assigning personnel tasks, and developing risk mitigation measures for civilians. The development of an operational plan reflects the application of the principle of proportionality in the use of force. This principle requires that the actions of officers be commensurate with the level of threat faced to avoid human rights violations.

In carrying out operations, Brimob is required to comply with National Police Chief Regulation No. 1 of 2009 concerning the Use of Force in Police Actions. This regulation outlines the stages of force use, from preventative presence, verbal commands, soft hand-to-hand control, hard hand-to-hand control, the use of special equipment, to the use of firearms as a last resort. Therefore, the use of lethal force is only permitted when there is a clear threat to the safety of officers or the public.

Another crucial aspect of the Brimob deployment mechanism is inter-agency coordination. Handling armed criminal groups often involves the Indonesian National Armed Forces (TNI), local governments, the National Counterterrorism Agency (BNPT), the State Intelligence Agency (BIN), and relevant ministries. This coordination is necessary because security conflicts have not only legal dimensions but also social, political, economic, and cultural dimensions. An approach that relies solely on repressive force is likely to fail if it is not accompanied by efforts to address the root causes of the conflict.

From the perspective of Lawrence M. Friedman's (1975) legal systems theory, the effectiveness of law enforcement is determined by three elements: legal structure, legal substance, and legal culture. In this context, the legal structure is manifested through the institutions of the Indonesian National Police (Polri) and the Mobile Brigade Corps (Brimob). Legal substance is manifested through various laws and regulations governing the authority of security forces. Legal culture, on the other hand, relates to the level of public compliance with the law and public support for security restoration efforts.

The presence of Armed Criminal Groups (KKB) in various conflict zones in Indonesia, particularly in Papua, has presented a serious challenge to the state's role in ensuring public security and order. The activities of armed groups carrying out attacks on security forces, public facilities, health workers, educational staff, and civilians not only create ordinary security disturbances but also have the potential to threaten government stability and the sustainability of national development. In this context, the state is required to carry out its basic function as a security provider through legal instruments and legitimate institutions. One institution with a strategic mandate to address these threats is the Mobile Brigade Corps of the Indonesian National Police (Korps Brimob Polri).

Theoretically, Brimob's authority in dealing with armed criminal groups cannot be separated from the concept of the rule of law (*rechtstaat*), which places all government actions based on law. According to the theory of authority put forward by Philipus M. Hadjon (1997), every government action must be based on authority obtained through attribution, delegation, or mandate. Therefore, Brimob's involvement in regional security restoration operations is not solely based on practical security needs, but must have a clear legal basis of legitimacy within the Indonesian legal system.

Normatively, the basis of the authority of the Indonesian National Police is stated in

Article 30 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which states that the Indonesian National Police, as a state instrument that maintains public security and order, is tasked with protecting, serving, and enforcing the law. This constitutional provision is further elaborated in Law Number 2 of 2002 concerning the Indonesian National Police. Article 13 of this law emphasizes that the main duties of the Indonesian National Police include maintaining public security and order, enforcing the law, and providing protection, care, and service to the community.

Within the institutional framework of the Indonesian National Police (Polri), Brimob (Mobile Brigade) is the primary implementing unit with specialized capabilities in dealing with high-level security disturbances. The nature of the threats faced in conflict zones requires the state to employ units capable of armed repression, counter-terrorism, mass riot management, search and rescue, and other high-intensity operations. Therefore, Brimob's existence reflects the state's need for a security instrument capable of filling the gap between conventional police functions and military operations.

This perspective aligns with Max Weber's (1965) theory of the monopoly on the use of force. According to Weber, the modern state gains legitimacy through the exclusive right to legally use physical force within a given territory. This authority to use force is not exercised freely, but rather is limited by law and directed toward protecting the public interest. In the Indonesian context, the use of force by the Mobile Brigade Corps (Brimob) against armed criminal groups represents a form of state monopoly on power aimed at restoring security and protecting the public from the threat of armed violence.

An interesting issue to analyze is how the Brimob deployment mechanism in conflict areas is implemented according to Indonesian positive law. Administratively, Brimob deployment is carried out based on a hierarchical police command system. Assignments can be made through the National Police Chief, the Head of the Brimob Corps, or the Regional Police Chief, depending on the level of threat faced. This mechanism reflects the principle of state administrative legality, namely that every act of exercising authority must be carried out by an official with the competence required by statutory regulations (Ridwan, 2022).

Brimob's deployment in conflict areas is primarily carried out through police operations. These operations can take the form of regional operations or centralized operations determined by the National Police leadership. In practice, operations against armed criminal groups often involve the integration of intelligence, preventive, repressive, investigative, and security restoration functions. Therefore, Brimob's deployment is not solely oriented toward prosecuting perpetrators of criminal acts, but also toward creating security conditions that allow communities to resume normal social, economic, and governmental activities.

From a national security theory perspective, the concept of regional security restoration differs from simple law enforcement. Security restoration is the process of restoring a state's ability to effectively carry out government functions after being disrupted by a serious security threat (Williams, 2018). In conflict zones, the success of security restoration is measured not only by the number of perpetrators arrested or incapacitated, but also by the state's ability to guarantee access to education, health care, public services, and economic activity.

The Mobile Brigade's authority to carry out repressive actions against armed criminal groups must also be understood from a human rights perspective. As a democratic state governed by law, Indonesia places respect for human rights as a fundamental principle in the exercise of state power. Therefore, the use of force by Mobile Brigade must adhere to the principles of legality, necessity, proportionality, and accountability. These principles are universal standards recognized in various international instruments concerning the use of force by law enforcement officers (United Nations Office on Drugs and Crime, 2017).

Applying the principle of proportionality is crucial because conflict zones often present complex situations. Armed criminal groups can employ guerrilla tactics, exploit difficult-to-reach geographic conditions, and operate within civilian populations. In such circumstances, security forces must be able to clearly distinguish between legitimate targets and civilians not involved in the conflict. Failure to make this distinction has the potential to lead to human rights violations and undermine the legitimacy of state-led security operations.

Furthermore, the Brimob deployment mechanism must be viewed as part of a comprehensive security approach. Barry Buzan (2008) explains that modern security encompasses not only military aspects but also political, social, economic, and humanitarian dimensions. Therefore, Brimob operations in conflict zones cannot stand alone without the support of government policies in the areas of development, education, health, and public welfare. Restoring security that relies solely on a coercive approach risks producing temporary stability.

In the Papuan context, for example, security operations against armed criminal groups are often accompanied by infrastructure development programs, health services, education, and community empowerment. This approach demonstrates that security is understood as a prerequisite for development, while development is an instrument for creating sustainable security. The reciprocal relationship between security and development is a crucial foundation for regional security restoration strategies.

From a state administrative law perspective, the Brimob deployment mechanism also reflects the principle of government discretion in dealing with certain circumstances. Discretion is necessary when government officials must make swift decisions to protect the public interest from a real threat. However, the use of discretion must not eliminate the obligation to act according to the law. In other words, a security emergency cannot be used as an excuse to ignore the principles of the rule of law (Asshiddiqie, 2019).

The presence of Brimob in conflict zones can also be analyzed through Robert MacIver's theory of state functions. According to MacIver (1964), the primary function of the state is to maintain order, provide protection for citizens, and create conditions that allow for orderly social life. When armed criminal groups commit acts of violence that threaten society, the state is obliged to use available security instruments to restore order. It is in this context that Brimob's deployment gains both theoretical and legal legitimacy.

However, the effectiveness of Brimob's deployment is not solely determined by operational capabilities. Inter-agency coordination, intelligence support, social legitimacy, and public trust are crucial factors in determining the success of security restoration operations. Experience in various countries shows that security operations that garner public support tend to be more successful than those that rely solely on state coercion.

Thus, it is understandable that the authority and mechanism for assigning the Mobile Brigade Corps of the Indonesian National Police (Brimob) to restore regional security against armed criminal groups have a strong legal basis in the constitution and laws and regulations. This authority is a form of implementation of the state's function to guarantee security and protect the public from the threat of armed violence. However, in its implementation, the use of this authority must remain within the corridors of the rule of law, respect human rights, apply the principle of proportionality, and be supported by a comprehensive security approach. Therefore, the ultimate goal of the Brimob assignment is not simply to eliminate security threats, but rather to create conditions that enable the public to live in safety, order, and prosperity within the framework of the Unitary State of the Republic of Indonesia.

CONCLUSIONS

Reconstruction of the Authority of the Mobile Brigade of the Indonesian National Police in Law Enforcement Operations in Conflict-Prone Areas of Armed Criminal Groups Based on

the Principles of Legality and Human Rights that basically originates from the attribution authority granted by Law Number 2 of 2002 concerning the Indonesian National Police, specifically Article 13 and Article 14 which regulate the task of maintaining public security and order and law enforcement. However, these regulations are still general and have not specifically regulated the authority of Brimob in dealing with armed criminal groups that have the characteristics of high-intensity threats, use modern weaponry, and apply guerrilla patterns that resemble non-international armed conflicts. This study found a legal vacuum and normative inconsistency because until now there has been no law or presidential regulation that specifically regulates the definition of armed criminal groups, threat classification, limits of Brimob's authority, mechanisms for TNI involvement, operational command structures, standards for the use of force, and mechanisms for protecting human rights in security operations in conflict areas. This situation has resulted in legal uncertainty, overlapping authority between the Indonesian National Police (Polri) and the Indonesian National Armed Forces (TNI), and the potential for human rights violations due to the lack of uniform legal standards in the implementation of operations. Therefore, the reconstruction of Brimob's authority must be carried out through the establishment of special regulations that comprehensively regulate the handling of armed criminal groups by placing Brimob as the leading sector in law enforcement operations, clarifying the TNI assistance mechanism, strengthening the principle of legality, and integrating human rights protection standards based on the principles of legality, necessity, proportionality, and accountability.

The authority and mechanism for assigning the Mobile Brigade Corps of the Indonesian National Police (Brimob) in efforts to restore regional security against armed criminal groups in conflict areas has been implemented based on Law Number 2 of 2002 concerning the Indonesian National Police (Polri), the Regulation of the Chief of Police concerning the use of force in police actions, and various internal operational policies. In its implementation, Brimob functions as the main implementing unit in high-intensity security operations through enforcement activities, pursuit of perpetrators, security of vital objects, community protection, and restoration of post-conflict security conditions. However, this study found that the mechanism for assigning Brimob in conflict areas such as Aceh, Poso, and Papua does not yet have a legal basis that specifically regulates operational procedures against armed criminal groups. Brimob involvement is often carried out simultaneously with the involvement of the TNI in joint operations, while the mechanism of command relations, limits of operational authority, and forms of legal accountability have not been clearly regulated in a generally binding regulation. As a result, the implementation of security operations is highly dependent on administrative policies and operational decisions that have the potential to give rise to different interpretations in the field. This situation is inconsistent with the principle of a state based on the rule of law, which requires that every exercise of state authority must have a clear and accountable legal basis. Therefore, the future Brimob assignment mechanism must be built through a legally based system, namely by establishing security threat classifications, Brimob engagement procedures, TNI assistance mechanisms, standards for the use of force, operational oversight systems, and integrated human rights protection mechanisms. This way, efforts to restore regional security can be implemented effectively without neglecting the principles of legality and human rights protection.

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