Legal Crisis and Trends of Mass Violence in Indonesia

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RESEARCH ARTICLE

LEGAL CRISIS AND TRENDS OF MASS VIOLENCE IN INDONESIA

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ABSTRACT

This study aims to explore the reasons for the problems that trigger broader mass violence, both in the form of structural conditions in society as well as the factors that trigger crime and social dynamics that trigger mass violence. The main research method used is a qualitative approach to the type of research criminally. The results of the research show that at the end of this time the social integration ties that are owned by the community are not so strong that the provocateurs of violence in the community are able to ravage the solidarity that is intertwined within the community. The joints of democratic society which should function to normalize normal social-political interaction relations, in the end actually caused mass violence, such conditions create anomistic situations occur, members of society both individually and in groups are so easy to play their own way. Therefore, the legal institutions as a formal rule of the game and apply to everyone, are experiencing a crisis of authority. The fundamental reason why this happens is that there are often different legal decisions against each violator of the law. As a result, there is no certainty that the law is truly an objective norm that applies to all. People who have been relatively safe in the normalcy of their environment have turned into mutual suspicion. As a result of this, collective disappointment arises over legal institutions, so that losing motivation to obey the law people tend not to believe in the legal process, which results in acts of mass violence in the community.

Keywords: Legal Crisis; Trends of Mass Violence; Crime

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INTRODUCTION

I. MASS VIOLENCE, STIGMA, AND CRIMES

A. Some Factors of Mass Violence Existence

Mass violence in various regions in Indonesia, has caused socio-juridical impacts which are quite basic. Various social control institutions, both formal and informal, were felt unable to reduce the occurrence of these events (Utari, 2018). The frequency of mass violence which from time to time tends to increase, has caused unrest and tension in the community (Issa et al., 2016). At the level of discourse, there is an opinion that mass violence is only a result of the euphoria of freedom. Citizens are often impatient, lose orientation, which is the reason for society's disobedience to the law (Bahou & Zakharia, 2019). The root of violence seems to lie within the individual community members, whereas in fact there are many factors as a trigger for mass violence (Cho, 2019; Prayogo, Amanah, Pradana, & Rodiyah, 2019).

Many theoretical perspectives have been put forward to explain collective violence. Some studies draw different conclusions about the issue of collective violence in question. There is a link with historical factors of radicalism in the past (Mulyadi, et al, 1999). There are also those who suspect that ethnic, religious, racial, and inter-group factors are the root causes of this alarming phenomenon (Kleden, 1999). Then not a few also assume that social inequality between residents is an element that accelerates the escalation of social division (social segregation) (Arief & Sasono, 1997). Not only that there are also highlights as a result of development that is wrong in implementing economic, political, social and cultural policies, causing various development problems such as poverty, economic inequality and income, marginalization and so forth. Sources of riots in the past government are often seen as the impact of social and economic jealousy problems between indigenous people and migrants (Graham, 2018; Ariyanti & Ramadhan, 2019). But sometimes there is a reduction as if social problems only cone on the stigma of indigenous and non-indigenous (Ozkan, 2016).

If a little careful, since the early 1990s there has been a kind of symptom of a change in social problems that is more complex than the indigenous pattern of *vis-a-vis* non-natives, becoming a pattern of native population *vis-a-vis* (migrant) as happened in Sambas, West Kalimantan, as well as at the beginning of the conflict that occurred in Ambon (Tanya, 2017). Another pattern that is growing is the occurrence of social

dimension of religious opposition. This pattern develops especially in certain areas (Issa et al., 2016). On the other hand, the pattern of conflict can also be linked to elite conflict both at the central and local levels. Another approach explains that conflict in the form of social unrest in Indonesia, is not merely a product (reproduction) of local communities, but is also driven by the presence of outside groups such as provocateurs, elite conflicts, the influence of global information, as well as external parties with an interest in disrupt socio-political, economic conditions at the national and local levels.

B. Criminogens and Mass Violence

Various study results with each approach used, successfully raised various aspects of the background of the riots that occurred so far (Bahou & Zakharia, 2019). However, these studies have not succeeded in showing the nature of criminogens in various fields of life that exist in Indonesian society (Graham, 2018). Whereas in terms of criminology, every form of violence always grows from the criminogen conditions surrounding the event (Artello, Hayes, Muschert, & Spencer, 2015). This study takes such a position, which is trying to reveal and explain the potential for criminogens found in the community environment (system crisis), both concerning the cultural dimension and the legal, political and shared resource allocation dimensions (Graham, 2018). The assumption is that social, economic, cultural and political crises in an area have great potential for social tensions and conflicts (both in soft and hard categories such as riots). Collective violence will not occur if it is not preceded by accelerator factors, or triggers, even though in an area there are already sources of problems. Here it is assumed that the relationships between the three factors (the source of the problem, the accelerator factor, and the triggers) are interrelated and not independent of each other.

In the same context, de la Roche (1996) sees collective violence as an act of self-help in social control. On the other hand, some observers point out that collective violence is related to social problems faced by the community concerned. Charles Tilly, on the other hand, defines collective violence, as forms of violence and threats to violence by a group of people involved in a crowd, and against the objects that are around him. On that basis all need an in-depth study with a focus on mass violence.

II. METHOD

To obtain accurate answers in this study a qualitative approach was used to classify descriptive research, because it sought to reveal the reality

around the issue of collective violence in the study area. In accordance with the essence of the problem being studied, the scientific approach used is the criminological sociology approach. In the context of legal studies, this study belongs to the study of law non-dogmatically. That is, conducting a study of the law descriptively, and not prescriptive (Rahardjo, 1974). According to Satjipto Rahardjo, in studies such as this law is seen as an independent variable, but is related to other subsystems in society. The point emphasized here is to make a description of the reality encountered and try to understand it. Therefore, every event or reality is recorded and analyzed to find its connection (Rahardjo, 1974).

Three methods are used at the stage of collecting data from informants, namely observation, in-depth interviews and focus group discussions. The three methods are complementary. Data collection using the observation method is useful for capturing situations and circumstances such as traces and locations of acts of violence. In sharpening the analysis, the authors used a criminal sociology approach to study the social conditions of juvenile delinquency. Sahetapy (2005) and Utari (2012) emphasized that criminology is a science that examines crime as a social problem, as well as its interdisciplinary nature, then the use of theories in analysis is inevitable. In the perspective of criminal sociology, the crisis in the legal field is one of the drivers of violence in addition to other factors, such as cultural, social, political, and economic factors (Utari, 2012; Muhtada & Arifin, 2018).

LEGAL CRISIS AND MASS VIOLENCE

I. HOW CAN MASS VIOLENCE OCCUR?

A. Crisis of the Law of Mass Violence

The legal crisis is one of the precipitating factors that are important for collective violence in Indonesian society (Fillo, Kamper-DeMarco, Brown, Stasiewicz, & Bradizza, 2019). The legal crisis in Indonesia, it must be acknowledged, has contributed to the flourishing of crime (the law being a criminal factor) (Lösel & Ttofi, 2017). Observers and various groups have expressed it in various negative tone statements, such as that law enforcement in Indonesia is terrible. The public's view regarding national law is increasingly disrespectful, it is because many violations are not subject to legal sanctions (Belenko et al., 2017; Erdianti & Al-Fatih, 2019). There are rules but they are rarely enforced properly—tend to be favoritism, there are courts but are often a den of mafia—buying and selling

decisions, and there are judges' decisions but often difficult to execute, some of which are free of corruption (van der Woude, van der Stouwe, & Stams, 2017). As a result, there is no certainty that the law is truly an objective norm that applies to all (Denney & Connor, 2016).

There is no guarantee that the process through the court will produce truth and justice (Fairchild, Gupta-Kagan, & Stevens Andersen, 2019). The reason is it is difficult to be sure that a person who is found guilty must always be punished (Stein, Deberard, & Homan, 2013). In fact there is a tendency of discriminatory treatment between perpetrators of crime from ordinary and economically weak citizens with perpetrators of crimes that are categorized as strong economies, government officials, and even perpetrators from the environment of law enforcement officials themselves (Stein et al., 2013). As a result of this, collective disappointment arises over legal institutions (Fonseca Pego et al., 2018).

People lose motivation to obey the law as emphasized by Aguilera (2013) so the people in society tend not to believe in the legal process, are not sure of getting justice through the law, and there is a permissive attitude towards violations that occur (Aguilera, 2013). Today, many community groups no longer pay attention to the authority of existing (formal) decision-making institutions because of disappointment with the law (Aguilera, 2013). With the occurrence of activities or unilateral security actions outside the control of the authorities, conducting raids (sweeping) which likes, carrying and demonstrating sharp weapons freely, grabbing and pegging people's land without rights, etc. are examples of acts that are outside the existing legal order (Lea & Abrams, 2017).

The occurrence of a legal crisis so far, cannot be separated from the existence of a variety of issues that are quite serious, both regarding the rule of law, the apparatus, the community, as well as facilities and infrastructure (Aguilera, 2013). The following description would like to show the problems referred to in these four dimensions (Reidy, Sorensen, & Cihan, 2018). All of these problems have the potential to be criminogenic factors (Graham, 2018).

THE RULES OUT OF THE COMMUNITY'S MIND: PROBLEMS OF INDONESIAN COMMUNITIES

I. THE LAW WEAKNESSES

A. The Problems of the Law Weaknesses

Categorically, there are a number of weaknesses inherent in the rule of law in Indonesia—thus hampering the rule of law (Sahetapy, 2005). *First*, there is a duplication of rules in other countries. An example is the law concerning economic crimes which is duplicated in full from the Economic Criminal Act in the Netherlands. This situation is certainly very distorting as stated by Kar (2018) because the circumstances and problems of economic crime in the Netherlands are different from the situation in Indonesia.

Second, the formulation of multiple interpretations (Stein et al., 2013) of rules makes it difficult to obtain certainty. Worse, for the unclear provisions are not provided adequate explanation, even there is no explanation at all (Fairchild et al., 2019). Generally, the section by article explanation section of most laws contains only the words 'quite clear'. So, it is clear enough not to be clear. With multiple interpretations of regulations, there will be opportunities for manipulation in its enforcement (Kar, 2018). Each party will have a different interpretation of a provision, which in turn creates legal uncertainty (Brotto, Sinnamon, & Petherick, 2017). In many cases, parties often infiltrate their interests in the multiple interpretations of the regulatory gaps (Spruit, Schalkwijk, van Vugt, & Stams, 2016).

B. Principle of *Lex Certa* and Its Problems

In theory, clear and explicit regulatory conditions are known *as lex certa*. The main function of the *lex certa* is to guarantee certainty or protection and instrumental functions (Tomita & Panzaru, 2010). This is related to the universal principle in law, namely the principle of legality (Calain & Poncin, 2015). As reflected in Article 1 of the Criminal Code, the principle of legality and also the *lex certa* is directed at the intended protection and instrumental purposes (Reidy et al., 2018). The protection function in legality or *lex certa*, namely the (criminal) law functions to protect the

people against the exercise of unlimited power by the government (Arbach-Lucioni, Redondo-Illescas, Singh, & Andrés-Pueyo, 2014). This has to do with the origin of the principle. From the history of its emergence, the principle of legality is indeed the principle of protection for the people against the unlimited use of power (Issa et al., 2016). The context is the Ancient Regime in Western Europe in the 17th and 18th centuries. At that time, the ruler with the *Stndestaat* system exercised totalitarianism power, so that people's basic rights were ignored or even trampled on (Chalfin & Deza, 2019).

As people who were disturbed by all forms of despotism at the time, philosophers such as Montesquieu, Voltaire, together with criminal law experts such as Beccaria and De Sarvan, through their works fought for the respect for people's basic rights (based on the law nature) (Fonseca Pego et al., 2018). They oppose the use of power by the authorities that is done according to the taste of "where you like", and without referring to the law or law. Their struggle received energy support from the bourgeoisie who finally succeeded in bringing down the pride of the Stndestaat with its feudalism. Instead, democracy and the Rule of Law were crowned as new egalitarian and full of freedom.

Thus, genealogically, the principle of legality (*lex certa*) together with other principles such as the principle of equality, publicity, proportionality, and subsidiarity inherit the critical-normative nature of power (the ruler). All of these principles, in addition to being used as a measure to assess the fairness of the use of the power of the authorities towards the people, also at the same time function to regulate the "demarcation line" of people's lives which may or may not be entered by the ruling power. This is the historical spirit inherent in the principle of legality, including the principle of *lex certa*. Clearly, unclear and less strict rules can be manipulated to oppress the people. This was proven when the subversion law was used by the New Order to suppress anyone who was considered to be at odds with the government.

Another function of legality (*lex certa*) is an instrumental function, meaning that within the limits determined by the law the exercise of power by the government to prosecute anyone who violates, is expressly permissible (Kijzer, 1989). The basic principle implicit in this instrumental function is, "no unlawful act may be left unpunished". It is not possible for this principle to be implemented if the legal material is multi-interpreted because it opens space for intrusion of interests outside the law itself. In other words, with clear and firm rules, the possibility of allowing impunity for crimes will be very large (Cunningham, Sorensen, Vigen, & Woods, 2010). On the principle of "no crime can be left unpunished", the main function of the *lex certa* principle can be realized, namely the aspect of

justice (Lösel & Ttofi, 2017). This instrumental function requires the state to sue every person who commits an offense. In other words, within the limits determined by law, the exercise of power by the government to sue everyone who violates, is strictly required (Fairchild et al., 2019).

Only through this instrumental function can the guarantee of remedial or corrective justice in law be realized. Remedial or corrective justice bases itself on a number of principles, including: (1) every violation must be punished to make up for the consequences. (2) Punishment is the "answer" to error. (3) Compensation is the "answer" to loss. (4) Fines are corrections to illegitimate profits, and many more. The concept of *Themis*, the goddess of justice, actually underlies such principles of justice - which is tasked with balancing these principles regardless of who the perpetrators are (Flores, Hawes, Westbrooks, & Henderson, 2018).

Indeed, furthermore the legality (*lex certa*) is only understood in the protection function which specifically presents aspects of legal certainty. For the sake of certainty, the protection function places the (criminal) law as a bastion of protection for the people against the threat of unlimited use of power from the state or government (Haight, Bidwell, Choi, & Cho, 2016) With this function, the criminal law guarantees the right of the people to fight and reject any punishment efforts that are carried out unlawfully (Graham, 2018). Here the principle is adhered to. "No act can be punished, without a law prohibiting the act beforehand". Although the two functions are different, they are complementary (Azad & Ginner Hau, 2018).

C. Essential Aspects of *Lex Certa*

The two functions cannot be separated because they present two essential aspects of the principle of legality lex certa, namely the aspect of certainty on the one hand, and the aspect of justice on the other. Therefore, it is a big mistake if the principle of legality as stated in Article 1 of the Criminal Code is only seen as the principle of certainty alone. Third, there is regulatory inflation. An example is the regulations in the investment sector. According to the previous research of Sumantoro (1987), an Indonesian investment law expert, the regulations governing investment in 1979 were no less than 328 regulations, and in 1981 there were more than 400. It's easy to imagine how difficult and difficult a financier to learn hundreds of these rules for the sake of legal safety.

Fourth, there are many overlapping rules, both vertically and horizontally. As a result, a violation of one rule may be justified by another rule. No wonder so many violators cannot be punished because of conflicts between these regulations. Fifth, the many rules of law that opens up huge

discretionary space. According to Klitgaard, a large discretion without accountability and minus transparency will be the source of corruption and manipulation. Extortion in the criminal process that has been rife all this time cannot be separated from the discretionary leeway provided by the Criminal Procedure Code regarding the implementation of forced measures, specifically the detention of a suspect or defendant.

All regulatory conditions as illustrated above will cause obstruction of law enforcement. In the context of Indonesia so far, the strong spirit of legalism has become one of the main causes of the deterioration of the rule of law. Powerlessness ensnared various violations in the 2018 presidential election campaign and the recent regional election campaign, is the latest evidence of the disease of legalism on state land. Many cheating practices are done so naked, but they cannot be dealt with only because the editorial or regulatory texts do not explicitly mention the elements of the deviations that occur. Therefore he event "sympathizers" or "contributions for small people" that are so actively carried out by the candidate's success team cannot be acted as violations because the text and editorial regulations do not call such activities as campaign activities (Tanya, 2006).

The essence of congestion is, the tendency to make rules as an end in itself. Honesty and wisdom in carrying out the law does not arise. As a result, sensitivity, empathy, and dedication to bring justice and truth are lost due to the strong legalism. A spirit that *coute que coute*, adore the formalism of rules. The legal process is no longer seen as a struggle for justice and truth, but just a routine activity of turning the articles in black and white. So it is rare to find a legal decision born of a breakthrough in finding justice and truth through creative interpretation of law. The principle of Aristotle's *epikeia*, or Plato's equity whose function is to bridge the gap between certainty and justice, is increasingly disappearing from law enforcement activities. In the midst of most people (including law enforcement officials) controlled by pragmatic-naive attitudes, legalism and formalism have become the most powerful tools for the practice of evil in the name of legal certainty.

II. ISSUES OF APPARATUS IN LAW ENFORCEMENT

A. Law Enforcement and Legal Apparatus

In general, the public knows that the factor of law enforcement is one of the sources of law enforcement bottlenecks so far (Roland & Verdier, 2003). Practices such as buying and selling cases, judicial mafia, bribery, violence during hearings, etc., are events that are already fairly common in the legal world in Indonesia. Almost all elements of the justice system are

infected by such practices. The causes are varied, ranging from low income, lack of professionalism, low skills, low commitment, and lack of internal and external control (Volokh, 2015). The lack of legal control causes distortion in the application of law such as the application of imprecise rules or impunity (allowing an offense not to be punished). Likewise, the lack of juridical technical ability results in a misguided legal process. Lack of moral integration will lead to manipulation and other corrupt actions in the legal process (Sundström, 2015).

While the lack of professionalism and discipline, will result in the emergence of inefficient legal processes and manipulation practices (Kar, 2018). It is not a public secret, if since the investigation process in the police, the prosecution process at the prosecutor's office, as well as the trial process in the court there have been bribery and extortion (Sundström, 2015). Almost every step has its own rate, so it's no wonder that many law enforcement agencies have far greater wealth than their official income. All that is just a small example and only the tip of the iceberg is visible. It is not uncommon to see a policeman, prosecutor or judge, people just don't respect at all. At the end of 1995, *Kompas* newspaper revealed the results of a survey about the police in the eyes of the public. The results were very alarming, 70% of 1,106 telephone owners in eight cities scattered from West (Palembang) to East (Manado), from big cities (Jakarta) to small cities (Samarinda), were antipathy towards the police.

This is a worrisome condition because the deterioration of the authority of the police has turned out to be so severe and smelled everywhere (van der Woude et al., 2017). The police—"*confidants*", friends, protectors, and helpers who are closest to the community, are "hated". The hatred was evenly distributed, from the West end to the East, from Metropolis to the "small town" (Roland & Verdier, 2003). This situation is, of course, unfortunate. The police work, which was clearly scattered everywhere for twenty-four hours, turned out to be disappointing (Volokh, 2015). It is not impossible the impact will be very broad throughout the entire justice system. The bad news about the actions of judges and prosecutors in several places, undoubtedly feels to be a real experience of the Indonesian people, because "*close people*" (police) alone, "unfaithful". (Fonseca Pego et al., 2018). In short, the law, especially the enforcement process on various levels, will be hard to believe and even disappointing. When disappointment is not also remedied, the community will spill it in its own way, including in the form of collective violence (Tomita & Panzaru, 2010). The latter, has been embodied in the series of vigilante actions which now adorn the universe (Tanya, 2009).

Before the reform, basically the police had tried to improve their image through changing into a more shady and friendly uniform. Even soon

after entering the realm of reform, the police broke away from the military structure, along with military symbols. But the improvement of the image, it is not enough just to change uniforms and rhetoric separated from the military. Convincing people of who we are, said Allen Wheelis requires more than words. (Chui & Chan, 2011) Who we are, Wheelis says, is determined by what we do, not by what we aspire to. In short, the image (of the police) is determined by concrete actions that give security to all levels of society.

B. Law Enforcement and Moral Awareness

Using the framework of Lawrence Kohlberg, the moral awareness of law enforcement officers in this country, is still at a pre-conventional level of morality. In a morality like this, the implementation of law enforcement is carried out according to the instinct of profit and loss calculation and punishment (Tanya, et al, 2008). This is often called childish morality. Their obedience to the rules should be not only willingly and aware that the rules are true and good, but for fear of being sanctioned. Their obedience is oriented towards punishment (Korkeamäki, Koskinen, & Takalo, 2007). Why a person doesn't break the law, not because they are aware of the law but rather afraid of being fired. So the question is not whether "blackmailing" is good or bad. The problem is, what is the punishment (Fleming et al., 2019).

If the sentence is very light, then he will do the blackmail. There are so many of our legal apparatus with childish morals. It often happens, it is not uncommon for an officer to just violate when a red light is on in a road blockage, because it is 2.00 in the morning, nobody is watching (Tao & Kim, 2017). It is totally different from the law enforcers in Japan, they never break the rules even though they are not seen by anyone. Aside from being still oriented to punishment, many of our officers act based on profit and loss. Often an officer knows that his leader is corrupt (Fleming et al., 2019). But whether he will report his leadership to the authorities is largely determined by the calculation of the pros and cons. In the further context, also stated that it is advantageous for him report or 'greetings of peace' with his boss. Indeed, Kohlberg said, on pre-conventional morality, the focal point was self. This is a disease of morality that plagues many law enforcement officers in Indonesia (Roland & Verdier, 2003).

C. Community Factors in Contributing to Law Enforcement

The awareness and legal obedience factor of the community also influences the weak enforcement of the rule of law. The existence of a police statue

scattered on the sides of the road is a reflection of the low level of legal awareness in our society (Forman, Jr., 2017) Obedience to the law is determined by the presence or absence of supervision. In addition, the occurrence of bribery in the legal process because the community prefers 'shortcuts' rather than follows the normal process. Upholding the rule of law is also often hampered by the lack of community support, as in the case of terrorism so far (Calain & Poncin, 2015). Vigilantism, coercion, permissiveness in surrounding crime, unilateral raids, intolerance towards others and so on, are just a few examples of how weak community participation is in upholding the rule of law (Azad & Ginner Hau, 2018).

FACILITIES AND INFRASTRUCTURE ON LAW ENFORCEMENT: SOME SERIOUS PROBLEMS

The limitations of facilities and infrastructure arguably are endemic issues of all justice sub-systems in Indonesia. Advanced technology facilities are still very minimal. DNA testing, for example, still has to be done abroad. At the simplest level, we can easily see flaws here and there, for example, a very narrow workspace, very limited work facilities and so forth (Flores et al., 2018). This situation does not only occur in one particular institution or unit, but is almost evenly distributed across all sub-systems. Whereas inadequate support for facilities will be an obstacle for law enforcement officials to handle contemporary law cases that are increasingly sophisticated and of a new dimension (Belenko et al., 2017). Facing contemporary legal cases with new dimensions (such as terrorism, money laundering, cybercrime, corruption, smuggling, etc.) and our law enforcement agencies often face difficulties due to the lack of available facilities. In the midst of a sophisticated world of crime, without serious steps to reform the facilities and infrastructure, efforts to uphold the rule of law will be difficult to realize (Hay, Widdowson, & Young, 2018; Kharismadohan, 2019).

The weak and limited condition of law enforcement as seen above has a negative effect on efforts to recover the national crisis facing this nation. This can be witnessed through the fact of law enforcement in almost all existing (Tacconi, Rodrigues, Maryudi, & Muttaqin, 2019). The case of the 'sale' of the islands around Komodo some time ago is an example of the case of the weak implications of law enforcement regarding the existence of the territory of the Republic of Indonesia (specifically the weak enforcement of agrarian law and the disorder of land administration).

Cases of illegal logging, abuse of forest use rights, violations of the conversion of protected area functions, as well as the burning of forest areas by industrial forest holders that occur from time to time, are just a few examples of weak law enforcement related to the natural resource landscape. As for demographics, cases such as illegal dwelling, violations and manipulation of population administration, lack of adequate legal protection for peripheral groups, etc. Without serious reform in all these fields, similar incidents will be repeated again—which the last agency will trigger more serious crimes. Kidnappings, killings, accusations of subversion and stigmatization of '*anti-Pancasila*' against individuals and groups with differing views and ideological understandings, especially in the New Order era, are evidence of the weakness of the rule of law regarding ideological issues. Yet not infrequently, the emergence of a critical attitude and skepticism with an ideological nuance, is an expression of dissatisfaction with the policies and behavior of the power elite that is corrupt, discriminatory, arbitrary, manipulative-which does not reflect the nobility of the values of Pancasila. The failure of the state to present meaningfully the values of Pancasila in all development policies and national life will always trigger alternative thinking, including in the ideological field (Arbach-Lucioni et al., 2014).

Weak enforcement of the rule of law in the political field, marked by many cases that have occurred so far, such as: the existence of legislation in the political field in favor of major parties, restrictions on the right of people to nominate 'independent candidates' (not through parties) in elections presidents and regional heads, criminalization of the white group, widespread money politics in the elections, fake diploma cases, various manipulations in the electoral process and so on. The ongoing economic crisis, one of the reasons is due to weak law enforcement (Korkeamäki et al., 2007). Corruption, collusion and nepotism are still ongoing and developing because law enforcement is pursued by 'selective logging'. Actors who are close to the center of power and who take shelter under the ruling political power, tend not to be touched by the law (Grajzl & Baniak, 2018). Hundreds of trillions of rupiah in state funds that were taken away by corrupt and big-time debtors have still not been returned to the state treasury. While smuggling, tax evasion, excise manipulation, illegal logging, illegal fishing, environmental pollution and so on, have not been fully handled legally. The integration of steps between the criminal justice sub-systems has not yet been created. (Bootsman, 2018). As a result, the results of the efforts of one sub-system are countered by other sub-systems.

In the socio-cultural sector, due to weak law enforcement, various cases have emerged that have triggered new crises. In various regions and regions, growing primordialism is increasingly thickening which causes

social rifts between groups. The absence of law enforcement against perpetrators of acts of attack, harassment, and intimidation against minority groups for primordial reasons and beliefs, has triggered widespread anxiety and social suspicion (Sykes, 2002). This has an impact on the disturbance of security and order, even triggering a crisis of sovereignty through the efforts of victims to seek political asylum in other countries.

In the field of defense and security, security disturbances in the form of crime, bomb terror, and horizontal conflict still haunt the community. Other problems in the field of defense and security related to state Sovereignty, are the outer small islands and large uninhabited and under-supervised large islands, which have the potential for conflicts with other countries regarding inter-state borders (Fitzpatrick & Rubin, 1995; Utari & Arifin, 2019). Many things have happened in the region, such as the loss of a variety of valuable underwater natural resources, many islands in the Indonesian territory, people's lives tend to be dominated by the lives of neighboring countries, on the Angel Island that is occupied and managed by foreign parties not according to procedures, at the border East Nusa Tenggara and East Timor border crossings and smuggling of goods, on the border of Papua with Papua New Guinea border crossings by OPM (Free Papua Organization), in Kalimantan boundaries between the two countries often move which tend to harm Indonesia, the occurrence of illegal logging and sold to unscrupulous Malaysian businessmen, also smuggling goods.

HOW THE LAW CAN PREVENT THE COLLECTIVE VIOLENCE?

In accordance with the logic of a pluralistic Indonesian society, the strategy needed must be able to prevent negative friction between groups (top-down), including between the government and the people. This is important to avoid the accumulation of gaps, jealousy, disappointment, poverty, unemployment, and despair experienced by the periphery. That way, collective violence can be prevented. Juridical strategies in accordance with the above purpose are responsive strategies as intended by Nonet-Selznick (Philippe Nonet & Philip Selznick, 1978). And or progressive strategies as intended by Rahardjo (2002), that the idea was first put forward in 2002 through an article written in Kompas Daily with the title "Indonesia Needs Progressive Law Enforcement" (Kompas, 15 June 2002). This strategy was proposed because the current legal regime is elitist in nature and tends to be rule oriented (Simpson, 2019). Juridical strategies that are responsive and progressive are not rule oriented but people

oriented, namely a juridical order that gives space for the interests of the small people to obtain maximum protection for a decent life as citizens.(Lee, 2016) That is why, a responsive and progressive juridical strategy has at least ten basic elements, but legal strategy is only one of the strategies that need to be taken to prevent collective violence (Worrall & Kjaerulf, 2019). These strategies are very potential to fix criminal conditions that allow collective violence to occur.

CONCLUSION

The outbreak of riots (collective violence) in events was driven by four things: (i). Polarization of identity formed during a relatively long time in almost all fields. In fact, often the sorting is increasingly exploited politically in the form of identity politics. This becomes a structural driving factor (structural conduciveness) for the emergence of violence. (ii). The escalation of structural tension in the form of suspicion and prejudice is mounting, both due to increasingly extensive and intensive structural polarization and due to the formation of a kind of general awareness about polarization that occurs so as to create social distance that is increasingly distant and coupled with anti-starch feelings. (iii). There are precipitating factors in the form of incidents which become the outbreak of violence. First, with the economic and political crisis at the same time, law and order play no role in managing the nation-state-community management process throughout the country. Under these conditions to reduce collective violence in terms of legal reform, a responsive and progressive juridical strategy has at least ten basic elements (see Table 1).

First, the legal order that is pro-people. The legal order in all fields must place the interests and needs of people as their ideology. *Second* is to strive for the liberation of the poor as the main goal. *Third*, guaranteeing social justice as a basis for legitimacy. *Fourth*, human wisdom (law enforcement officers) is the key word for the application of law for the achievement of justice. *Fifth*, the implementation of law is carried out creatively in which sensitivity, empathy, and dedication in the administration and law enforcement are the spearhead. *Sixth*, the content of the legal order must be based on factual problems faced by small communities, which means that the determination of regulatory material in various fields must be participatory. *Seventh*, each rule of law in all fields must function as a facilitator in meeting the needs and aspirations of the community. Here, the law not only provides easy and rational procedures, but must also be competent and fair. It must be a manifestation of public desires and have a commitment to the achievement of substantive justice.

Eighth, the main focus of regulation in the economic field must be to strengthen the ability of the lower classes to have access to existing resources to meet their needs. *Ninth*, the legal structure in the field must be open and tolerant of local institutions. The role of informal institutions at the local level in community empowerment must be encouraged. Therefore it must recognize a decentralized decision making process. Tenth, official institutions related to legal socialization must create a coalition and communication network with autonomous and independent local organizations, which include beneficiary groups, informal leaders, local governments, NGOs and so on. The substance and structure of the law must be carried out while respecting the values of society, especially those that sustain their existence as autonomous communities.

Table 1 Legal Model Configuration Matrix

No	Elements	Characteristic
1	Value	Allegiance to the people (poor)
2	Destination	Objectives Liberation of people from poverty
3	Legal Content	Factual problems of society (peripheral)
4	Focus	Focus on Strengthening and Protection Regulations
5	Legitimacy	The Policy Support
6	Function	Fulfilment of community needs
7	Structure Properties	Open to Local Institutions
8	Executing	Creative and empathetic apparatus
9	Socialization	Network Creation
10	Implementation	Respect local values

From the matrix that the Government needs to make legal regulations concerning the equal rights of citizens in the frame of the Unitary Republic of Indonesia. This is important to avoid mastery over the concept of parochialism which is the axis of latent conflict so far. This step also needs to be supported by increasing legal authority through progressive and responsive legal management.

The need for empowerment of the people's economy nationally by avoiding program biased groups. At the level of resource allocation, in addition to the need for a more equitable distribution of economic distribution systems, it is also necessary to create relationships that better reflect justice. Attitudes or actions that suggest inequality and injustice must end immediately. Decision-making institutions (both formal and informal at the central and regional levels) must be made to act as agents and implementers of community aspirations. The trust and authority given

by the people must be used for the benefit of the people, not manipulated for their own interests.

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