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## The Existence Of The Role Of Bhabinkantibmas In Implementing Restorative Justice To Improve Social Justice In The Serang City Community

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**Abstract:** *The Police through Article 2 of Law Number 2 of 2002 concerning the Police has the function of state government in maintaining public security and order, law enforcement, protection, protection, and service to the community. By the responsibility and function to carry out this task, the police place one police personnel in each village under the command of the Directorate of Community Development abbreviated as BINMAS, namely Bhabinkamtibas personnel. This study aims to discuss the role of Bhabinkamtibas in Serang City in implementing restorative justice to improve social justice in the community in participating in security efforts. This research method uses descriptive literature studies, and the type of research used is qualitative juridical. In addition, using the type of normative legal research carried out based on legal principles, hierarchy and legal nature, the nature of analytical descriptive research. The results of this study regarding the existence of the role of Bhabinkamtibas in implementing Restorative Justice to improve social justice in the people of Serang City include: 1) The role of Bhabinkamtibas in implementing Restorative Justice has great potential in improving social justice in the Serang City community. This approach allows for more focused handling of cases on recovery, reconciliation, and problem-solving rather than harsh punishments; 2) Community awareness and active participation in Restorative Justice approaches are essential factors in achieving social justice. The community needs to understand the benefits and principles of Restorative Justice and support the efforts of (Bhabinkamtibas); 3) The application of restorative justice requires a holistic approach in conflict management, case resolution, and crime prevention. Cooperation with social, educational, and health institutions can strengthen the effectiveness of this approach*

**Keywords:** *Role of Bhabinkamtibas, Rhetorical Justice, Social Justice.*

### INTRODUCTION

Indonesia is based on law and not on power (the people hold the highest leadership). Government power in implementing state policies and authority in providing services to the community (Saepudin et al., 2023). Therefore, as a state of law, all reasonable actions taken by citizens and state officials must be based on existing laws and must not deviate from the

rule of law that has been made (Capella et al., 2023). This is explained in the Constitution Article 1 paragraph (3) of the Constitution of the Republic of Indonesia Year 1945. Law in reality has three (3) legal objectives, namely legal certainty, justice and expediency, where in achieving these three law enforcement objectives are influenced by several elements, namely, legal substance, legal structure and legal culture (Prawoko, 2023). Laws that are not made intentionally but appear in society are one of the factors in the typical life of a nation, as well as customs, morals, and state governance (Nugraha, 2008). The police play a massive role in the progress of the nation. In addition, the police are also a force of "positive law" for the law itself, namely the police play a role in moving the law to be able to run as mandated, law enforcement (investigation) is mainly carried out by Bhayangkara Pembina Security and Public Order (Bhabinkamtibmas) as the development of Polmas as regulated in Perkap Number 3 of 2015 concerning Community Policing or often called Polmas (Setio et al., 2020).

Conflict is a social symptom present in social life, so conflict is inherent, meaning that conflict will always exist in every space and time, anywhere and anytime (Harahap, 2020). Conflicts between organizations can occur in person or shared, which may not be avoided. Conflicts become obstacles in communicating with those who have disputes with each other (Saepulloh &. Regarding the current legal problems, law enforcement officials must find ways to solve criminal cases. Lawlessness in human life is a social symptom that will always be faced by humans, society and even the State (Prawoko, 2023). The implementation of law in everyday community life has a significant meaning because the purpose of law is to create justice, certainty, and benefit society (Nugraha et al., 2008).

According to data, in 2022, Banten Province had around 814,020 thousand people (Son et al., 2023). Serang City is Banten Province's capital, located in the middle of a densely populated city. Serang City consists of 6 sub-districts and 67 kelurahan with a population of 630,320 people and an area of 266.71 km with a population density of 2,363 people / km.

**Table 1**  
Village Data in Serang City area

No.	District	Number of Neighborhoods in Serang City		
		2020	2021	2022
1.	Attack	12	12	12
2.	Notarize	13	13	13
3.	Walantaka	14	14	14
4.	Waterfall	10	10	10
5.	Standings	10	10	10
6.	Cipocok Jaya	8	8	8

Source : BPS Kota Serang in 2022

Based on the above area data, it is a distribution of sub-districts and kelurahan in Serang City has 12 police stations under the auspices of the Serang City Police including Serang City Police Station, Kasemen Police Station, Taktakan Police Station, Curug Police Station, Cipocok Police Station, Walantaka Police Station, Kramatwatu Police Station, Waringinkurung Police Station, Baros Police Station, Padarincang Police Station, Pabuaran Police Station and Ciomas Police Station. By the formation of the Serang City Police from the Decree of the Chief of Police Number 1103 / X / 2016 October 16, 2016 signed by the Chief of National Police General Tito Karnavian.

**Table 2**  
Bhabinkamtibmas Data of Serang Kota Police in 2023

No.	Region	Number of Bhabinkamtibmas
1.	Serang Police Station	12
2.	Cipocok Jaya Police Station	8

3.	Walantaka Police Station	7
4.	Curug Police Station	10
5.	Baros Police Station	8
6.	Pabuaran Police Station	7
7.	Ciomas Police Station	6
8.	Padarincang Police Station	7
9.	Kasemen Police Station	10
10.	Taktakan Police Station	7
11.	Kramatwatu Police Station	11
12.	Waringinkurung Police Station	7

Source: Wadirbinmas Polda Banten in 2023

The more the distribution of Sector Police (Polsek) stations, the wider the security and security by the police by deploying Bhabinkamtibmas in the community. The Police, through Article 2 of Law Number 2 of 2002 concerning the Police has the function of state government in maintaining public security and order, law enforcement, protection, protection, and service to the community. By the responsibility and function to carry out this task, the police place one police personnel in each village under the command of the Directorate of Community Development or abbreviated as BINMAS, namely Bhabinkamtibas personnel (Sartika, 2002). In order to create synergy between the National Police and the community, the National Police began to implement the "Polmas" program since 2005, with the issuance of the Decree of the Chief of Police No. Pol: SKEP / 737 / X / 2005 dated October 15, 2005 concerning Policies and Strategies for the Application of the Community Policing Model in the implementation of the duties of the National Police. This decree is complemented by the Regulation of the Chief of Police of the Republic of Indonesia No. 7 of 2008 concerning Basic Guidelines for Community Policing Strategy and Implementation in the Implementation of Police Duties and re-established with Perkap No. 3 of 2015 concerning Community Policing (Polmas).

The disposition of Bhabinkamtibmas must be impartial. They must ensure that they do not support or blame any particular party in the case, but rather strive for justice and balanced remedy. The concept of restorative justice in the criminal law enforcement process holds the perpetrators accountable, philosophically the form of solving various legal cases that occur outside the existing criminal justice process, so that the community does not only depend on existing procedures by the reflection of Pancasila values, namely "Just and Civilized Consultation" in order to achieve social justice for all people (Siregar, 2019). Bhabinkamtibmas must be willing to cooperate with all parties involved in the case, including the victim, the perpetrator, and the local community. This collaboration is vital in the restorative approach, as it helps create an environment that supports recovery and reconciliation. Solving criminal cases by prioritizing restorative justice that emphasizes restoration to its original state and balance the protection and interests of victims and perpetrators of crimes oriented towards retaliation is a legal need of the community and a mechanism that must be built in the exercise of prosecution authority and the renewal of the criminal justice system (Parasdika et al., 2022).

They are based on researchers' observations in conducting this study about the role of Bhabinkamtibmas in Serang City in implementing *Restorative Justice* to promote social justice. The success of Bhabinkamtibmas in maintaining security often depends on the level of community involvement and cooperation. Problems can arise if there is mistrust between the community and the Bhabinkamtibmas or the community is not actively participating in security efforts. Bhabinkamtibmas must maintain consistency in law enforcement across their region. Problems can arise if there are differences in case handling or inconsistent law enforcement in different regions. Dissatisfaction with the criminal justice system is thus related not only to the mechanism of handling cases and administration, it takes an event and

procedure in the system that can accommodate the resolution of cases, one of which is to use an approach *Restorative Justice* (Fernando, 2020)

## METHOD

The author conducted this study to complement and meet the needs to be studied. This research uses literature studies with descriptive methods, and the type of research used is qualitative judicial (Hartanto, 2023). In addition, using the type of normative legal research carried out based on legal principles, hierarchy and the nature of law, the nature of research is descriptive analytical, providing an overview of phenomena with community habit events (Siregar, 2019). The steps taken are to collect secondary data in the form of primary, secondary, and tertiary legal materials related to research problems (Setio et al., 2020).

## RESULT AND DISCUSSIONS

The existence of Bhabinkamtibmas in resolving cases outside the court through restorative justice (*Restorative Justice*) is a new dimension studied from theoretical and practical aspects, studied from the practical dimension then restorative justice (*Restorative Justice*) will correlate with the achievements of the judicial world (Habibul & Risdiana, 2022). Understanding and reconciliation in handling conflicts is a critical aspect of maintaining security and handling conflicts between communities. Bhabinkamtibmas must understand the approach *Restorative Justice* and the ability to defuse conflict in the community. The presence of the Police (Bhabinkamtibmas) has an essential role in realizing security and comfort in community life, the Police is a community protection institution in all social conditions and the role of the police can be said to be the protector of the community (Nugraha et al., 2008).

### **The Role of Bhayangkara Community Security and Order Builder in Serang City**

Bhayangkara Pembina Security dan Order Masyarakat (Bhabinkamtibmas) is a member of the National Police of the Republic of Indonesia (Polri) who has an important role and function in maintaining public security and order at the village or kelurahan level. Bhabinkamtibmas who serve in certain villages / villages / areas are given the authority together with the community to solve several criminal cases to find peace, so as not to trigger broader conflicts, this is where the role of bhabinkamtibmas as part of the Police is needed its existence and involvement in helping the community to solve criminal acts that occur (Nugraha et al., 2008). Role is a specific pattern of behavior characteristic of all officers, the role of Bhabinkamtibmas in carrying out their duties as community builders (Prawoko, 2023).

In Serang City, the role of Bhabinkamtibmas is particular and involves various duties and responsibilities. Here are some of the specific functions and roles of Bhabinkamtibmas in Serang City including, as follows: 1) Restorative Justice approach: to achieve reconciliation between the parties involved in the case and avoid harsh sanctions, especially in non-violent and non-serious crime cases; 2) Building relationships with communities: Bhabinkamtibmas in Serang City is tasked with building strong relationships with communities in their work areas, as well as approaching communities in a humane and empathetic way to understand the concerns and problems faced by residents; 3) Prevention and socialization: Bhabinkamtibmas has an active role in crime prevention activities and socialization about laws and regulations to the community, as well as providing information on how to avoid criminal behavior and encouraging legal awareness in the community; 4) Mediation and Conflict Resolution: Bhabinkamtibmas acts as a mediator in conflict resolution at the community level, seeking to defuse disputes between individuals or groups without involving lengthy legal processes; 5) Role in Crime Handling: Apart from the restorative approach, Bhabinkamtibmas also has a role in handling conventional crimes and conducting preliminary investigations, collecting evidence, and coordinating with other investigative units. As mentioned and explained about

Bhabinkamtibmas, in Article 26 paragraph (1) letter h it is stated that Bhabinkamtibmas functions to carry out consultation, mediation, negotiation, facilitation, motivation to the community in Harkamtibmas and solving crime and social problems (Setio et al., 2020).

### **Application of *Restorative Justice* to Improve Community Social Justice**

By the duties and functions of the police tasked with maintaining security and order for the benefit of the community. This task can be done by conducting routine security patrols in every area of Serang City which is considered prone to crime, especially fights between residents. One of the efforts to form FKPM (Police and Community Partnership Forum), as a forum for communication between the police and the community to identify problems that occur in the community and find solutions by always holding coordination. FKPM is the most straightforward organization to anticipate fights between residents (Harahap, 2020). Bhabinkamtibmas has a strategic role as a bridge between the community and the police institution as an element of the law enforcement structure. One of the tasks as problem solving means that it can solve legal problems in the community. Bhabinkamtibmas is a leading milestone in reflecting the image of the National Police in the community, meaning that in carrying out these duties and functions does not necessarily use a formal legal approach in handling all forms of problems that occur or conflicts and even criminal acts that occur in the community (Sartika et al., 2002).

In addition, if a matter occurs in a village or place where there is found to be Bhabinkamtibmas. Resolution of problems and cases can be done with discretion in the public interest (Efendi & Ikawati, 2023). The authority of a policeman (Bhabinkamtibmas) is to exercise discretion i.e. take action to proceed with the case or take decision action to stop the case. There are several discretionary matters carried out by Bhabinkamtibmas including, as follows: 1) Assessing and weighing the weight of the case can be categorized as falling into the realm of violations of the provisions of the Law; 2) Take mediation steps to be resolved in a familial manner and then asked to make a statement of non-demand for each other and put his signature on the material with a note if in the future the same act can be prosecuted by applicable legal provisions; 3) Terminating the case at the Investigation level is a Temporary Notice of Termination of Investigation (SP3) (Efendi & Ikawati, 2023).

Mediation is one form of alternative dispute resolution outside the court. Mediation aims to resolve disputes between the parties by involving neutral and impartial third parties. Mediation can lead third parties to the realization of a permanent and sustainable peace agreement, considering that dispute resolution through mediation puts both parties in the same position, neither party is won or the party defeated is *win-win solution* (Utomo, 2023). Although the restorative justice approach is considered as a new acceptable approach to justice in the muthakhir criminal justice system that refers to the modern justice system, of course the concept will be questioned considering that the method is not well known in the criminal justice system accepted in the criminal procedural law in Indonesia. The SPPA Law has adopted a restorative justice approach as stated in article 5. Where based on the provisions of the article referred to the restorative justice approach is carried out in every stage of examination of the investigation, prosecution, trial even at the stage of criminal execution or action and not only in the form of out-of-court settlement processes in the form of diversion (Sartika et al., 2002).

### **CONCLUSION**

Based on the results of research on the existence of the role of Bhabinkamtibmas in implementing *Restorative Justice* To improve social justice in Serang City community, the following conclusions can be drawn: 1) The role of Bhabinkamtibmas in implementing Restorative Justice has excellent potential in enhancing social justice in Serang City community. This approach allows for more focused handling of cases on recovery,

reconciliation, and problem-solving rather than harsh punishments; 2) Community awareness and active participation in Restorative Justice approaches are essential factors in achieving social justice. Society needs to understand the benefits and principles of *Restorative Justice and support the efforts of Bhabinkamtibmas*; 3) Restorative Justice requires a holistic approach in conflict management, case resolution, and crime prevention. Cooperation with social, educational, and health institutions can strengthen the effectiveness of this approach.

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