

LEGAL REVIEW OF MAIN DUTIES AND FUNCTIONS LINMAS IN IMPLEMENTING ORDER PUBLIC

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Abstract: The public does not yet know or understand the primary duties and functions of Linmas itself, so when an incident occurs, the public is often confused about whose duties and authority it is. This research aims to determine the primary responsibilities and functions of Linmas officers, as well as the legal consequences of violating the primary duties and tasks outlined in Regulation Number 26 of 2020, issued by the Minister of Home Affairs, concerning the enhancement of communal welfare. This research is of a legal nature, employing qualitative methods and a normative juridical perspective. The normative juridical research approach is a library-based legal research strategy that involves examining library resources or secondary data only. The conclusion is that the principal responsibilities and functions of community protection are delineated in Article 27 of Permendagri No. 26 of 2020. Linmas is tasked with maintaining peace and public order at the Village/Subdistrict level; aiding in the management of security during regional head elections and general elections; assisting in disaster and fire management and prevention; supporting community security, peace, and public order; facilitating community development and guidance; participating in social activities; contributing to national defense efforts; securing vital objects; and executing additional tasks assigned by the Head of Satlinmas; and assist in handling peace, public order and security in holding Village Head elections. Legal consequences if Linmas members do not carry out their primary duties and functions, they will be dismissed as Linmas members, as regulated in Article 25 Paragraph (5), letter f.

Keywords: Legal Studies, Main Duties and Functions, and Legal Consequences.

I. INTRODUCTION

Civil Defense (Hansip) has significant progress to achieve. The establishment of the Hansip organization was initiated in response to the Dutch East Indies government's efforts to counter Japanese assaults. The Dutch government established an organization responsible for safeguarding the people from aerial assaults, referred to as LBD (Lucht Bescherming Dienst) or Air Breaker Protection.

This LBD was established from the central to regional levels and was coordinated by civil government personnel. Its activities encompass public information dissemination, reporting on enemy aerial assaults, protection, camouflage, firefighting, first aid for accident victims, evacuation, among others. Subsequent to the Japanese occupation, the Japanese government formed a Civil Defense organization like to the LBD in 1943, which primarily concentrated on defense and the comprehensive mobilization of the populace. Gunawan, 2015

Agung states that this organization was founded at the most localized community level, referred to as Gumi, which is currently known as an RT. This organization served as the predecessor to Hansip, which was intimately linked to defense interests and societal security from enemy assaults. In addition, they are tasked with ensuring security, collecting cash, and procuring food ingredients, among other responsibilities. Moreover, following the independence era, Decree No. MI/A/72/62 issued by the First Deputy Minister for Defense/Security Affairs on 19 April 1962, pertaining to Civil Defense Regulations, remained in effect until 1972, when the responsibility for Hansip was transferred from the Minister of Human Rights and Security/Commander of the Army to the Minister of Home Affairs, as ratified by Presidential Decree No. 55 of 1972. President SBY has annulled this Presidential Decree under the proposal of the Ministry of Home Affairs. The Presidential Decree includes stipulations for enhancing the Civil Defense Organization, the People's Resistance Organization (Wanra), and the People's Security (Kamra) concerning the management of the Universal People's Security and Defense System. Transferred to the Ministry of Home Affairs, whose primary responsibility remains defense and security. Engage the populace in national defense efforts and civil society initiatives to bolster national security against external adversaries. Subsequently, upon joining the Ministry of Home Affairs, the Hansip unit contributes to community efforts in environmental protection. (Moh. Ilham A. Hamudy, 2014)

Hansip/Linmas is presently governed by Permendageri No. 26 of 2020, which pertains to the Implementation of Public Peace and Order and Community Protection. Since 2004, the Regional Government has overseen the growth of Linmas through the Civil Service Police Unit. This adheres to the stipulations of Law 23 of 2014, which delineates that obligatory responsibilities under the jurisdiction of the Provincial, Regency/City Regional Government encompass the enforcement of public order and public tranquility, in addition to community safeguarding. The role of Satlinmas is essential for society given the current tasks. The presence of Satlinmas is essential in every sub-district, particularly in rural regions. The function of Satlinmas is essential in the regions. Satlinmas consistently participates in several community activities, ranging from minor celebrations to significant events, including patrols and regional head elections. In metropolitan regions, Satlinmas' responsibilities are supported by Satpol PP and the National Police. Didi Setio Nugroho and Supardal, 2022

According to Law number 23 of 2014 regarding Regional Government, it is articulated that "government affairs are governmental powers vested in the president, executed by state ministries and regional government officials to safeguard, serve, empower, and enhance the welfare of the community." Regional autonomy exemplifies a decentralized system, wherein governmental authority is distributed between central and regional administrations. Regional autonomy can

be understood as the execution of decentralized governance. Law number 23 of 2014 regarding Regional Government stipulates that "regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage governmental affairs and the interests of local communities within the framework of the Unitary State of the Republic of Indonesia." In the concept of regional autonomy, which is an implementation of the decentralization system, authority is delegated to regional governments to achieve goals using techniques and methods planned by each region, encompassing all aspects and factors that exist within the area. (Melinda Nurcahya Lestari, 2021)

Consequently, Community Protection Units (Satlinmas) must be continually empowered in daily activities, including environmental security maintenance, disaster management assistance, and participation in local and national events, such as the General Election of Legislative Members, the Presidential and Vice Presidential Elections, and the Elections of Regional Heads and Deputy Regional Heads. The Village serves as the forefront of Development, necessitating the preservation of peace and security at the local level, particularly due to a deficiency in comprehension of Law and Social Status, rendering it more susceptible to elevated levels of criminal activity. The Community Protection Unit (Satlinmas) plays a crucial role in upholding community security and order, especially in rural regions. Ayyun Arifin, 2015

Ironically, the public does not yet fully understand the primary duties and functions of Linmas itself; therefore, when an incident occurs, the public is often confused about whose duties and authority are involved. By clarifying the main tasks and functions, it is hoped that they can work well, so that a safe and comfortable environment can be created that will support the community in their work and activities, and accompanied by conducive security, of course it will prevent or minimize the possibility of actions or activities that can disrupt security and order in the community, or things that can be detrimental to the community itself.

II. RESEARCH METHODS

Research methods constitute a discipline that examines the conduct of precise scientific inquiry. Almasdi Syahza, 2021. The employed legal research approach is normative juridical. Normative legal research is a form of legal inquiry that uses methodologies to ascertain scientific truth through a normative lens grounded in scientific reasoning. The research used helps draw legal principles in interpreting statutory regulations. Normative juridical legal research has two methods used: Grammatical interpretation, namely interpretation to express the will according to language processing and grammar, which is a tool for the lawmaker itself, and Systematic interpretation, namely interpretation that connects one article with another article in the relevant legislation or in the applicable legislation or in other legal legislation. (Endang Sutrisno and Deni Yusup Permana, 2022) Then, examine the related regulations. The legal materials used are primary legal materials, secondary legal materials, and tertiary legal materials. The process of analyzing legal materials in this research employs the Miles and Huberman model method, as quoted by Rony Zulfirman. This method involves three critical activities in the data collection process: data reduction, data display, and verification. (Roni Zulfirman, 2021)

III. RESEARCH RESULT

A. Main Duties and Functions of Linmas Officers based on Minister of Home Affairs Regulation Number 26 of 2020 in Building Community Welfare

Public policy is described as activities undertaken or omitted by the government, via organizations or agencies, intended to serve societal or public interests through programs or other initiatives. Public policies are formulated by public institutions or authorized individuals, generally the government. Public policy constitutes a resolution formulated in reaction to certain difficulties or concerns within society. This decision enables the government to implement measures deemed beneficial to the lives of its residents. The scope of public policy is extensive as it includes multiple domains and sectors, such as economics, politics, society, culture, law, and more. In addition, based on the hierarchy, public policies may be classified as national, regional, or local, including laws, governmental regulations, presidential decrees, ministerial directives, regional or provincial regulations, gubernatorial decisions, district or city ordinances, and regent or mayoral decisions. The Community Protection Unit is governed by the Minister of Home Affairs Regulation Number 26 of 2020.

Over time, Law No. 23 of 2014 regarding Regional Government, alongside Presidential Decree No. 55 of 1972 concerning the Enhancement of Civil Defense Organizations and People's Resistance Organizations (Wanra) and People's Security (Kamra), has been deemed increasingly inadequate, particularly as Law No. 23 of 2014 prioritizes protection and public order. Consequently, the Ministry of Home Affairs has petitioned the president to annul the Presidential Decree via Presidential Regulation No. 88 of 2014, which pertains to the revocation of Presidential Decree No. 55 of 1972 regarding the enhancement of Civil Land Organizations and People's Resistance Organizations (Wanra) and People's Security (Kamra) in relation to the governance of the people's defense and security framework, thereby facilitating the further development of Linmas.

The issuance of Presidential Regulation No. 88 of 2014 led to the annulment of Presidential Decree No. 55 of 1972, which pertained to the Completion of Civil Land Organizations and People's Resistance Organizations (Wanra) and People's Security (Kamra) in the context of managing the people's defense and security system. Consequently, a regulatory vacuum emerged regarding public protection and civil defense. The revocation of Presidential Decree No. 55 of 1972 presents an opportune moment to promptly reorganize the community protection unit, thereby enhancing its development and enabling the community to reap its benefits. As to Minister of Home Affairs Regulation Number 26 of 2020, which delineates the principal responsibilities and activities of Linmas, Linmas was formerly segmented into various teams, each assigned distinct primary tasks and functions.

. Article 19 stipulates that Teams in Linmas include:

1. Early preparedness and alert team;
2. Security team;
3. First aid team for disaster and fire victims;
4. Rescue and evacuation team; or
5. Public Kitchen Team.

Early preparedness and alert teams are on duty:

1. Help carry out preparedness and early detection efforts for all forms of disaster threats, state resilience, as well as disturbances in security, peace, and public order;
2. Help inform and report situations that are considered to have the potential to be a disaster, disrupt the stability of national security and defense, disrupt security, peace, and public order; And
3. Help communicate data and information from the public regarding potential disasters, disturbances in the stability of national resilience and defense, disturbances in security, peace, and public order.

Security team on duty:

1. Assist in monitoring the threat of social conflict and disturbances to security, peace, and public order; And
2. Assist in collecting data and reporting the amount of material loss due to disasters, fires, and disturbances in security, peace, and public order.

The first aid team for disaster and fire victims is responsible for providing first aid to victims affected by disasters and fires. Then the rescue and evacuation team was assigned:

1. Assist in the evacuation of victims resulting from disasters and fires as well as disturbances in security, peace, and public order, to disaster-safe locations;
2. Assist in securing the evacuation and distribution of aid for victims of disasters and fires, as well as disturbances in security, peace, and public order; And
3. Assist with rehabilitation, relocation, reconciliation, and emergency reconstruction of public facilities damaged by disasters and disturbances to security, peace, and public order.

The public kitchen team is on duty:

1. Help establish temporary shelters for victims or refugees resulting from disasters, fires, and disturbances in security, peace, and public order; And
2. Help establish a temporary public kitchen for victims or refugees resulting from disasters and fires, as well as disturbances in security, peace, and public order.

Overall, the primary duties and functions of community protection are regulated in Article 27, which reads:

1. Help maintain peace, public order, and Community Protection within the Village/Subdistrict authority scale;
2. Assist in handling peace, public order, and security in holding regional head elections and general elections;
3. Assist in the management and prevention of disasters and fires;
4. Assisting the security, peace, and public order of the community;
5. Assisting in the implementation of community development and guidance;
6. Assist in social activities;

7. Assist national defense efforts;
8. Help secure vital objects;
9. Carry out other tasks assigned by the Head of Satlinmas;
10. Assist in handling peace, public order, and security in holding Village Head elections;
11. Assist the Village Head in enforcing Village regulations and Village Head regulations.

B. Legal Ramifications of Breaches of the Fundamental Responsibilities and Roles of Community Protection Officers as stipulated in Minister of Home Affairs Regulation Number 26 of 2020

Every rule or law is intended to be enforced with the anticipation that its execution will yield a beneficial effect on society, especially for those who adhere to the regulation. Law enforcement is commonly designated as law enforcement. Legal scholars contend that the essence of law enforcement lies in the tangible application of legal statutes in individuals' lives; fundamentally, it involves the enforcement of legal norms, encompassing functions such as ordering (gebot, command), empowering (ermachtigen, to empower), permitting (erlauben, to permit), and derogating (derogieren, to derogate).

In a country based on material or social law that is determined to promote general welfare, make the nation's life intelligent, and provide security for its people, law enforcement or statutory regulations must be enforced. To enforce the law, preventive and repressive efforts are made. Preventively, preventing violations by the public carried out by executive agencies and the police. Meanwhile, if violations persist despite prevention efforts, they are addressed by the police, the prosecutor's office, the courts, and social institutions in a repressive manner. Law is supreme, holding the highest position among other high-ranking state institutions. The rule of law is the human desire to live in peace and prosperity under the protection of the law. Every community in the world operates under laws and regulations, providing a legal framework for society as a whole. Leaders and state administrators at all levels of government implement policies based on the law, thereby minimizing the abuse of authority and creating laws that are fair, orderly, and benefit all of society.

The core of law enforcement involves reconciling the relationship between established values and behavioral attitudes, as a sequence of conclusive phases in value development, to establish, sustain, and safeguard a tranquil social existence. Lawrence M. Friedman asserted that the efficacy and success of law enforcement hinge on three fundamental components of the legal system: the framework of the law, the content of the law, and the legal culture. The legal framework pertains to law enforcement personnel, legal content encompasses statutory instruments, and legal culture represents the prevailing legislation that a society adopts.

The legal system's structure comprises the number and size of courts, their jurisdiction (including the types of matters they are empowered to adjudicate), and the procedures for appeals between courts. Structure refers to the formation of the legislative body, the authority and constraints of the president, the protocols followed by law enforcement, and other relevant elements. The legal structure consists of existing legal institutions designed to implement existing legal instruments. Structure denotes a framework that demonstrates the enforcement of

law by its formal stipulations. This framework illustrates the functioning and implementation of courts, legislators, and legal institutions and procedures. The Indonesian legal system comprises the organization of law enforcement entities, such as the police, prosecutors, and courts.

Another facet of the legal system is its substance. Substance refers to the regulations, standards, and actual patterns of human behavior inside that system. Legal substance pertains to the relevant laws and regulations that possess binding authority and function as directives for law enforcement personnel. Legal culture pertains to human attitudes, including those of law enforcement agents, regarding the law and the legal system. Despite the meticulous arrangement of the legal framework and the superior quality of legal provisions, the absence of a supportive legal culture among stakeholders and society will hinder efficient law enforcement.

Every Linmas member has specific tasks; failure to execute these core roles efficiently will result in penalties, as delineated in Lawrence M. Friedman's law enforcement theory. The success of law enforcement is contingent upon the substance of the law, which encompasses the rules, conventions, and actual patterns of human conduct within that framework. Legal substance pertains to the relevant laws and regulations that possess binding authority and function as directives for law enforcement personnel. The legal repercussions for breaches of the principal duties and responsibilities of Linmas officers are delineated in Article 25 Paragraph (5) letter f of Permendagri Number 26 of 2020, which stipulates, "Dismissal may occur if they fail to fulfill their primary duties and functions and/or commitments as members of Satlinmas."

Other things that can be used as reasons for ending membership in the Community Protection Unit are regulated in Article 25, which reads:

1. The period of membership of the Village and Subdistrict Satlinmas ends at the age of 60 (sixty) years or is dismissed;
2. The traditional Village Satlinmas membership period ends due to dismissal;
3. In the event that Satlinmas membership as intended in paragraph (1), has reached the age of 60 (sixty) years and still meets the requirements as intended in Article 15, it can be extended until the age of 65 (sixty five) years;
4. The extension of the Satlinmas membership period as referred to in paragraph (2), is determined by the decision of the Village Head/Lurah;
5. Dismissal as intended in paragraph (1), because:
 - a. die;
 - b. resign at your own request;
 - c. change residence;
 - d. no longer meets physical and spiritual health requirements;
 - e. commit disgraceful acts and/or commit criminal acts that have permanent legal force;
 - f. does not carry out the main duties and functions and/or promises as a Satlinmas Member; And
 - g. become a political party administrator
6. The dismissal of Satlinmas members as referred to in paragraph (1), is determined by the decision of the Village Head;
7. The Village/Lurah Head, through the sub-district head, conveys the decision to extend Satlinmas membership and the decision to terminate Satlinmas membership to the regent/mayor.

IV. CONCLUSION

Based on the research results, regulations and policies related to controlling traditional markets in Cirebon Regency can be concluded as follows:

1. The primary duties and functions of community protection are regulated in Article 27 of Permendagri No. 26 of 2020, Linmas is tasked with helping to maintain peace, public order and Linmas on the scale of Village/District authority; assisting in handling peace, public order and security in holding regional head elections and general elections; assist in disaster and fire management and prevention; assisting the security, peace and public order of the community; assisting in the implementation of community development and guidance; assisting in social activities; assist national defense efforts; help secure vital objects; carry out other tasks assigned by the Head of Satlinmas; and assisting in handling peace, public order and security in holding Village Head elections.
2. Legal consequences if Linmas members do not carry out their main duties and functions properly, they will be dismissed as Linmas members, as regulated in Article 25 Paragraph (5) letter f Permendagri Number 26 of 2020 which reads "Dismissal can be carried out when they do not carry out their main duties and functions and/or promises as Satlinmas members.

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