

THE ROLE OF THE POLICE IN EFFORTS TO HANDLE CAROK IN THE TRADITION OF CONFLICT RESOLUTION IN BANGKALAN COMMUNITIES IN MADURA (CASE STUDY IN BANGKALAN POLRES, MADURA)

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Abstract— Indonesia is a country that upholds the principle of the rule of law. State law is something that must be obeyed by everyone without exception. But in the existing reality, state law, especially criminal law, is not enforced on an indigenous community because society has made an existing tradition a law or regulation that is used as an effort to solve problems even though this tradition conflicts with Indonesian criminal law. The Criminal Code (KUHP) is a guide in resolving conflicts that exist in people's lives. In this case, the role of the police as law enforcement officers must be maximized and synergize with the community so that they can adapt to existing traditions in society which in the future are expected to be able to provide a middle way for a conflict between public law, namely criminal law and traditions still held by some circles of society.

Keywords— Police, Criminal Code, Tradition.

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I. INTRODUCTION

Indonesia is a country that upholds the principles of justice and legal certainty. This is as explained in article 1 paragraph three of the 1945 Constitution of the Republic of Indonesia which is proof that the law must be implemented and obeyed by anyone. As a rule of law, the law must be used as a guide and have the highest authority in the administration of the state and government or what is known as the rule of law [1]. In the administration of a country, the order of life must be arranged in such a way as to create harmony between people as an effort to avoid chaos in the future. In this case, the Indonesian people adhere to Pancasila which is referred to as the ideals, rules, and regulators of the nation's and state's life [2].

Regarding customary law which is used as a guideline by some Indonesian people, there is one tradition that is still held by the Madurese people to this day, namely carok. Carok can be interpreted as a fight, duel, and so on whether using a sharp weapon such as celurit or not. In this case, carok is a form of crime that uses violence. Madurese people generally refer to this act of violence as carok [3]. As a result of this conflict, some people lost family members and left deep sorrow. In general, carok conflicts in Madurese people have individual characteristics, although sometimes there are mass ones. Viewed from the standpoint of social status, carok symbolizes the media to gain power and reflects the strength for the individual's family and the social environment in which the perpetrator lives. As a result, carok has become a barbaric tradition full of cruelty, cruelty, anarchism and killing each other [4].

In positive law, it is necessary to explain the legal relationship between the act and the person who committed the act. Criminal law is an order or prohibition issued by the state and is threatened with sorrow for anyone who ignores it [5]. Criminal law is considered as an "ultimatum remedium" or as a "last resort" if other sanctions are deemed less effective. Based on the legal subject, carok is a form of crime aimed at human life that is committed intentionally as stipulated in chapter XIX article 338 of the Criminal Code up to article 350 of the Criminal Code. Crimes against lives that result in death are acts that are prohibited and punishable by law [6].

II. METHOD

The method used in this research is using empirical juridical method. This empirical juridical method is found by analyzing the applicable laws and regulations as well as the reality that actually occurs in society, in this case, will be obtained at the Bangkalan Police. This

research will produce a qualitative descriptive form which will be obtained by direct interviews with related parties, in this case the Bangkalan Police. qualitative descriptive form will provide accurate and factual results. This research was carried out in relation to the role of law enforcers, in this case the police, in an effort to deal with carok that occurs in the tradition of resolving conflicts in the Madurese community, especially in Bangkalan Regency.

III. RESULT AND DISCUSSION

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Results and Discussion

3.1. Factors that cause carok conflicts still often occur in the life of the Bangkalan Madura community

Carok is a reaction to defend self-esteem and dignity by Madurese men against other men who are felt to have insulted self-esteem and family, especially with regard to harassment committed against a wife causing shame and then using celurit as a weapon to avenge harassment [7]. Carok in general is like fighting and killing cases but with a different name it makes outsiders of Madura have a frightening stigma about Madurese. The Madurese people call carok an ordinary fight and killing and they think that carok is purely a matter between men and men and it is the place to be if men are killed in carok conflicts. Many carok conflicts originate from harassment of wives and seizures of property. Harassment of self-esteem and family is the main factor causing carok conflict in Madurese society. Self-esteem is the starting point for someone who dares to do carok. Self-respect is used as a reason to defend in committing carok and making him a scapegoat. Carok conflicts that occur between relatives in the same family are usually caused by disputes over inheritance [8]. The struggle for family inheritance, especially regarding the distribution of land and rice fields which is considered detrimental to one of the family members.

Other factors that cause carok conflicts are problems regarding water, insults or harassment of religion and family members in public. The impression of carok is very bad because it is considered a symbol of violence and the decline of a civilization. The carok habit occurs in people whose background knowledge is still low and is included in the pandalungan category [9]. People who do carok on average are elementary school graduates or have not even finished school, so they do not know about the law. This still needs improvement considering that in 2021, Bangkalan Regency is ranked 37th out of 38 Regencies/Cities in East Java with a moderate Human Development Index (IPM), even though from year to year there has been an increase in the Human Development Index (IPM).

Problems regarding accounts payable are also another factor in the occurrence of carok conflicts in Bangkalan Regency. feelings of embarrassment and emotion of the debtor appear to the debt collector so that the debtor does not hesitate to do carok to the debt collector. Accounts payable are used as an alternative by the community to meet the necessities of life. This condition is exacerbated by the Covid-19 pandemic which has caused some people to experience a decrease in their income and even lose their jobs. The pandemic condition has made the poverty rate in Bangkalan Regency increase in 2020. This can be seen from the table of poverty rates in Bangkalan Regency from year to year, which is as follows:

**Table 1. Number of poor people in Bangkalan Regency
Year 2016-2021**

No	Year	Numbers of Poor People (Thousand)
1.	2016	205,71 People
2.	2017	206,53 People
3.	2018	191,33 People
4.	2019	186,11 People
5.	2020	204,00 People
6.	2021	215,56 People

Source: Bangkalan Regency Central Bureau of Statistics

Meanwhile, the factors for the occurrence of carok are as follows:

Table 2. Percentage of Carok Occurrence Factors in Bangkalan Regency in 2017-2021

No	Factors of the emergence of Carok	Procentage
1.	Disturbance to wife and family	55%
2	Inheritance	7%
3.	Misunderstandiings	23%
4.	Debts	10%
5.	Others	5%

Based on the table above, these factors influence some Madurese to preserve and continue to use carok as a means of resolving conflicts. Disturbance to wife and family is the main causative factor in the 2017-2021 period.

3.2. The Role of the Bangkalan Police in Efforts to Handle the Carok Tradition in Bangkalan Regency

The duties and roles of the police are explained in detail in Law no. 2 of 2002 concerning the Indonesian National Police. The role of the police is very important in efforts to enforce the law. In terms of public service transformation, the police must be able to provide services to the public that tend to be instant and responsive [10]. The crime of carok is categorized as a crime of murder or premeditated murder. The role of the police is very influential and needed in an effort to suppress and eliminate the carok tradition in Madurese society, especially in the jurisdiction of the Bangkalan Police. The police have vital authority in preventing carok and catching carok perpetrators. After carok has occurred in an area, the police will receive reports from the public and immediately go to the location to conduct an investigation. Then after carrying out an investigation and making an Investigation Report (BAP), collecting evidence, and summoning the perpetrators and witnesses at the scene. After that, the police made arrests and detentions.

Apart from going through legal channels or repressive efforts, the Bangkalan Police are also making efforts through preventive channels. Preventive efforts are aimed because carok is a tradition by the Madurese community so a good and subtle approach is needed so that there is no conflict in the community. These preventive efforts were carried out by the Community Development Unit (Sat Binmas) of the Bangkalan Police. These preventive measures include:

1. Conduct socialization or counseling

Preventive efforts in the form of counseling or outreach are in the form of providing education about the law and how to prevent violations of the law. This effort is the priority

effort considering that carok has become a tradition in solving problems so that a mediation path or a subtle approach is needed by opening people's minds [11]. The Satreskrim Unit and Binmas also synergize with religious and community leaders. This is because the Madurese people really respect and uphold religious and community leaders in their area, making it easier to communicate with the community [12].

2. Conduct routine raids.

The Bangkalan Police and the Polsek under it carry out routine raids to suppress or prevent people from carrying sharp weapons. The raid on sharp weapons was carried out by the police based on Emergency Law No. 12 of 1951. These raids are usually carried out on main roads or in places suspected of being prone to carok events.

3. Implementing restorative justice

Restorative justice is an approach to resolving legal conflicts by holding mediation between victims and perpetrators. The principle of restorative justice is to restore good relations between the perpetrator and the victim and their family while still paying attention to the suffering experienced by the victim or his family. Regarding the carok tradition that occurs in the Madurese community, especially in Bangkalan Regency, it is not easy to apply the concept of restorative justice. This is due to the difficulty of reconciling the two parties because in general the victim's family does not want to make peace with the perpetrator because there is still a sense of trauma. So that in this restorative justice cooperation or coordination is needed either by the police, religious or community leaders and local village officials.

3.3. Obstacles Faced by the Bangkalan Police in Efforts to Handle the Carok Conflict

Efforts to handle a murder case with a carok background have not been able to run optimally and as expected by the Bangkalan Police. Apart from eradicating crime and maintaining security, the police must also be able to find solutions to problems or solutions to existing obstacles in the field. In an effort to deal with the carok conflict, the police experienced several obstacles in resolving the case. This is because it involves a tradition from the community so that good cooperation is needed between elements of society. The obstacles faced by the Bangkalan Police are divided into two, namely external and internal obstacles which will be explained as follows:

1. External resistance

a. Public apathy

The people of Bangkalan are still indifferent or apathetic towards the problems that exist in their surroundings. Society does not really care about the rule of law in force. In general,

carok acts occur because the perpetrators do not know and do not care that their actions are against the law, so they commit carok acts without guilt.

b. The perpetrator fled

It is not uncommon for carok perpetrators to flee outside the area to avoid being searched by the police. The perpetrator usually hides at the place of a relative or friend who is far from the area where he lives. This made it difficult for the police, thus hampering the investigation and investigation process. The police usually include perpetrators on the wanted list (DPO), but it is still difficult to find a clear point about the whereabouts of the perpetrators, so the process of searching for the perpetrators of the carok case can take months or even several years and some have not been found by the Bangkalan Police.

c. Society covers up and protects each other

The community actually knows if there is carok in their environment. However, the community covered up the police because the community did not want to interfere in the problems that occurred because they were afraid that if the perpetrator or the perpetrator's family did not accept it, it would then have an impact on his family. This then prompted the police to 'pick up the ball' by coming directly to the location where there was a suspected carok conflict because there were no reports from the public. But it is not uncommon to get zero results.

d. Lack of witnesses

The lack of witnesses at the scene made it difficult for the police to identify and arrest the carok perpetrators. This is because carok usually takes place in a quiet place so that not many or even no one sees the carok event occur. The minimum number of witnesses made the investigations and investigations conducted by the police delayed and protracted and the police were unable to arrest the carok perpetrators due to the absence of witnesses and evidence.

2. Internal resistance

a. Limited number of members of the Bangkalan Police

The number of members of the Bangkalan Polres and the sub-district police are considered to be insufficient. This causes the response from the police to the crimes that occur are inadequate. The limited number of members was felt when carrying out Kamtibmas patrols and outreach to remote villages in Bangkalan Regency, only a few members of the Bangkalan Police were present due to the lack of members and the division of various tasks, so they had to coordinate with stakeholders or elements of the local community.

The lack of facilities and infrastructure disrupted the mobility and speed of action taken by the police. The addition of facilities and infrastructure is aimed at maintaining security and order in society so that undesirable things do not occur.

IV. CONCLUSION

Based on the results of the research above, it can be concluded that the carok conflict, which is still used as a tradition by the people of Bangkalan, occurs due to several underlying factors. In terms of resolving carok conflicts, the role of the police is very important. The Bangkalan Police, especially the Satreskrim Unit and Binmas Unit, have an active role in efforts to resolve the carok conflict, both in the form of preventive and repressive efforts. The role of the Bangkalan Police in dealing with the carok conflict also encountered obstacles, both internal and external.

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