



Law Enforcement Against The Circulation Of Illegal Firecrackers In The City Of Medan In Welcoming The Holy Month Of Ramadan

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ABSTRACT

The purpose of writing this article is to determine the factors of rampant sales and users of firecrackers in the city of Medan, to find out what efforts are faced by law enforcement against sales and users of firecrackers in the city of Medan and to find out what obstacles faced by law enforcement against sales and users of firecrackers in the city of Medan, especially in the holy month of Ramadhan. The Data required in this paper are primary and secondary data. Primary Data obtained by conducting field research by interviewing respondents and informants. While secondary data obtained through literature research conducted by studying textbooks, legislation, and opinions parasarjana. Conclusion it is known that the factors undertaken by the police to be important in preventing the circulation of illegal firecrackers in the community, lack of public awareness of the law and the dangers posed by the use of illegal firecrackers, preventive countermeasures are carried out before the violation occurs by preventing the violation does not occur, barriers to the lack of information received, Lack of budget funds received by the National Police in carrying out patrol functions to cope with the circulation of firecrackers. It is recommended to all relevant parties to always provide counseling and socialization of the dangers of firecrackers to the community, so that Banda Aceh is safe from the circulation of firecrackers, because firecrackers are very disturbing to the comfort of the community, as parents it is very important to prohibit playing firecrackers, at least parents supervise children when playing firecrackers in the environment.

INTRODUCTION

Based on the National Police Chief Regulation No. 2 of 2008 on supervision, control, and security of commercial materials related to Law No. 9 of 1932 on fireworks and Law No. 12 of 1951 on explosives. Police as law enforcers in charge of maintaining order and ensuring the security of the public, objects and society including providing

protection and assistance and provide and seek the obedience of citizens and the public to all forms of regulation.

In general, playing with firecrackers brings pleasure to the perpetrator, but behind this behavior there are negative things that it can cause. Firecrackers do a lot of harm to others even to yourself. Some were injured and even died from playing with fireworks. Firecrackers also pose a

danger because of the noise caused. Even its explosive influence can endanger others and can threaten the safety of the lives of others who have heart problems or who are not accustomed to hearing like the sound of firecrackers, then the habit of playing firecrackers on the road can also interfere with motorists on the road. This is often overlooked by people who play firecrackers for personal enjoyment.

Dozens of Joint officers from the Medan City resort police and Medan City Satpol PP held firecracker raids in various areas of Medan city, during the middle of Ramadan in 2023, the police received many reports from the public who were disturbed by the sound of firecracker explosions when people were praying and resting at night. From the results of the raid, joint officers seized more than 200 high-explosive firecrackers from traders who were in several places in the city of Medan.

Based on the risks posed by firecrackers, the people of Medan should not sell or buy firecrackers because the effects of firecrackers are very dangerous for all of us, but the fact is that there are still many people in Medan who sell and ring firecrackers during the day and night.

Article 1 Paragraph (3) of Law No. 12 of 1981 on amending the "Ordonnantietijdelijke Bijzondere Strafbepalingen" (Stbl. 1948 No. 17) and Law No. 8 of 1948, articles 187 and 187BIS of the Criminal Code paragraph (3) on legal sanctions against firecrackers, namely : explosive materials including all items that can explode, as intended in the Ordonnantie dated September 18, 1893 (Stbl.234), which was amended by the Ordonnantie of 9 May 1931 (Stbl.No. 168), all types of machines, bombs, incendiary bombs, mines (mijnen), hand grenades and in general all explosives, whether they are single chemical solvents (enkelvoudige chemischeverbindingen) or which are mixtures of explosives (explosievemengsels) or inleidend explosives, which are used to detonate other explosives, are not included in the definition of ammunition.

The above legal provisions have clearly regulated the legal sanctions against players and sellers of firecrackers. But it is known that many mass media reports, electronics and public leaders ' calls not to light or sell firecrackers in Ramadan in reality the smell was not heeded.

Based on the above description of the role of the police in law enforcement against the circulation of firecrackers, it can be drawn a formulation of the problem that is how the efforts and obstacles faced

by law enforcement against the circulation and use of firecrackers in the city of Medan

METHOD

The research method used in writing this law is a normative juridical approach. Normative juridical approach is a study that uses secondary sources obtained through library materials. This normative legal research usually includes: research on legal principles, research on legal Systematics, research on vertical and horizontal synchronization levels, Comparative Law and legal history. The method of this approach is carried out by studying the legal norms in legislation.

RESULTS AND DISCUSSION

A. Efforts faced by law enforcement against sellers and users of firecrackers in Medan

In enforcing this policy, according to the author, the government is still not firm. This is characterized by the continued sale of firecrackers in the city of Medan at night. Therefore, the role of the community to encourage law enforcement, especially to ensnare persons involved in the sale of firecrackers and buyers is mutually necessary. Because for the case of firecrackers, first the police institution must receive complaints from parties who feel at a disadvantage with the existence of firecrackers.

According to the Medan City Police. shows that, the efforts of the police as investigators in the investigation of criminal acts, the first is the police play an active role to handle a criminal case can be resolved or completed, and the second is the police can still be involved in the general duties of the police even though the main task of the police is as an investigator.

In the modern sense, the police is a general civil institution that regulates order and law. But sometimes this institution is militaristic, as in Indonesia before the police were released from the ABRI. The police in the court environment serve as investigators. In his duties he sought information from various sources and witness testimony. The growth and development of the National Police cannot be separated from the history of the struggle for the independence of the Republic of Indonesia since the proclamation. Indonesia's independence, the National Police has been faced with unique and complex tasks.

In addition to arranging security and public order in wartime, the National Police is also directly involved in fighting against invaders and various military operations together with other armed units.

This situation was carried out by the National Police because the police was born as the only armed unit that was relatively more complete. The Indonesian National Police has duties, objectives, functions of authority and responsibility which in turn causes also the emergence of various demands and expectations of the community towards the duties of the Indonesian National Police which is increasing and oriented to the community it serves. Universally the duties of the police are twofold, namely enforcing the law and maintaining public order. The first task contains the notion of repressive or limited tasks that are limited by the Code of Criminal Procedure (KUHAP), the second task contains the notion of preventive or duty to protect is a broad task without limits, may do anything as long as security is maintained and does not violate the law it self.

If it has been warned and sanctioned repeatedly but still repeats the act of selling firecrackers, it must be given a sentence of confinement plus a fine. For perpetrators of firecracker buyers or users of fake firecrackers must be severely sanctioned. if the perpetrator is proven to use firecrackers, the maximum fine must be punished. Preventive countermeasures, preventive countermeasures are carried out before the violation occurs by preventing the violation from occurring, such as by means of education to the community and to the seller through counseling, information and guidance of religion, ethics, ethics and simple legal knowledge regarding prohibitions and criminal witnesses against people who commit acts that violate the rules.

For more details, the role of the police as investigators in the investigation of criminal cases, namely the police handle cases until the criminal cases can be resolved or completed and the police remain involved in the general duties of the police even though their main task is as investigators.

B. Obstacles faced by law enforcement against sellers and users of firecrackers in the city of Medan

The role of Police investigators and Investigators of civil servants (PPNS) is very important to prevent the trade in firecrackers or fireworks. Law enforcement itself is essentially an effort to raise public awareness of the importance of security, comfort and order in the environment, through the forms of informant activities, counseling, campaigns, control operations to General enforcement, which are technically classified as preventive and repressive security efforts.

Through law enforcement efforts, it is hoped that all forms of existing regulations will be adhered to by all parties, especially for the community and the violators will be given understanding, information, warning before being given/imposition of sanctions/legal action in accordance with regulations and the impact of harm to the environment and society.

One of the main causes of the ongoing sale of firecrackers is because there is still weak law enforcement on the circulation of firecrackers or fireworks, not optimal coordination between law enforcement officers and other relevant agencies in dealing with the problem of selling firecrackers is also an obstacle to optimizing law enforcement. On the other hand, knowledge of legislation, especially related to firecrackers or explosives, is still not well socialized to sellers and to society in general.

In this case as explained by Satpol PP investigators that they are in an effort to enforce the law in the Banda Aceh City area is very difficult due to the lack of information received by the police that there has been a violation of the sale of firecrackers without permission in the KotaMedan area, then the lack of support from the public to.

An obstacle is an obstacle that is or aims to weaken the conceptual nature. The following are obstacles in law enforcement efforts against sellers and users of firecrackers, including : a. The lack of budget funds received by the National Police in carrying out patrol functions to overcome the circulation of firecrackers that occur in the community so that it hinders the response, the Medan City Resort police only have minimal operational funds and these funds are not only used for guarding and patrol in reducing the circulation of firecrackers, but these funds are also used for investigation of general criminal cases. b. The limited number of police personnel in carrying out patrol functions, this is also an obstacle experienced by the police in tackling the circulation of firecrackers. In turn, officers patrol in certain areas that are considered frequent sales of firecrackers and not only that, the police are also working with the Medan City Municipal Police to conduct routine patrols in order to minimize the circulation of firecrackers in the city of Medan. c. Lack of knowledge about the procedures for the sale of firecrackers by sellers, by not meeting the requirements that have been determined by pemeintah, and many traders who do not heed the socialization provided by the police and Municipal Police of Medan so as not to sell firecrackers. d. Public attention to the surrounding environment is still very lacking, for example letting children buy

firecrackers and not forbidding children to use firecrackers, this can have negative effects on children and can injure the child himself.

CONCLUSION

Preventive countermeasures, preventive countermeasures are carried out before the violation occurs by preventing the violation from happening, such as providing education to the community and to the seller by way of counseling, information and guidance of religion, ethics, ethics and simple legal knowledge about prohibitions and criminal witnesses against people who commit acts that violate the rules. The obstacle is the lack of knowledge about the procedures for the sale of firecrackers by the seller, by not meeting the requirements that have been determined by the government. Public attention to the surrounding environment is still very lacking, for example letting children buy firecrackers and not prohibiting children to use firecrackers, the lack of information received by the police that there has been a violation of the sale of firecrackers without permission in the city of Medan, then the lack of support from the public to enforce the law against sellers and buyers of firecrackers.

REFERENCES

- Arief Barda Nawawi,(2004) *Kebijakan Hukum Pidana*, Bandung: PT. Citra Aditya Bakti.
- Bambang Sunggono,(1997) *Metodologi Penelitian Hukum (Suatu Pengantar)*, PT. Raja GrafindoPersada, Jakarta.
- Dellyana,Shant,(1998) *Konsep Penegakan Hukum*. Liberty, Yogyakarta.
- Hasan Alwi dkk,(2007) *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta.
- Kansil C.S.T.,(2002) *Pengantar Ilmu Hukum Dan Tata Hukum Indonesia*, Balai Pustaka, Jakarta.
- Kanter E.Y. & S.R Sianturi,(2002) *Asas-asas Hukum Pidana di Indonesia dan Penerapannya*. Stora Grafika: Jakarta.
- Marjono Reksodiprojo, (1994) *Kemajuan Pembangunan Ekonomi dan Kejahatan*, Pusat Pelayanan dan Keadilan Hukum, Jakarta.

- Maswandi, M., Jamillah, J., & Sitompul, A. (2022). The Power of Proof In Victims of Sexual Abuse. *SASI*, 28(3).
- Miftahuddin M, Putra Adi, Sitompul A, Kusbianto, The Impact Of Criminal Police On Money Laundering Against The Resilience Of The Law. *Substantive Justice International Journal Of Law*.5 (2)
- MN Sitompul, A Sitompul. Sitompul. (2022). Execution Of Death Penalty In Narcotics Crime In The Perspective Of National Law In Indonesia. *International Asia Of Law and Money Laundering (AML)*. (Vol. 1, No. 2).
- Pusat Hak Asasi Manusia PBB,(2007) Standar HAM Internasional Untuk Penegak Hukum Indonesia Cerdas*.
- Roeslan Saleh,(1983) *Perbuatan Pidana dan Pertanggungjawaban Pidana; Dua Pengertian Dasar dalam Hukum Pidana*, Aksara Baru, Jakarta.
- Rosa Agustina,(2003) *Perbuatan Melawan Hukum*, Program Pascasarjana, Jakarta.
- Sianturi, S.R. S.H.,(1983) *Tindak Pidana*, Alumni AHM-PTHM, Jakarta.
- Sitompul, A (2022). E Procurement System In The Mechanism Of Procurement Of Good And Service Electronically, *International Asia Of Law And Money Laundering*, 1(1)
- Sitompul, A, (2022). The Crime Of Prostitution In View Of The KUHP and Law No. 19 Year 2016 Budhapest International Research And Critiest . Vol. 5 No.4.
- Sitompul, A, P Hasibuan, M Sahnian. (2021). The Morality Of Law Enforcement Agencies (Police, Prosecutor's Office, KPK) In Money Laundering With The Origin Of The Corruption. *European Science Review* 9 (10)
- Sitompul, A, P Hasibuan, M. Sahnian. (2021). The Morality Of Law Enforcement Agencies (Police, Prosecutor's Office, KPK) In Money Laundering With The Origin Of The Corruption(pp. 55–63). Sitompul,
- Sitompul, A, Sabela Gayo. (2022). The Use of Mediation as an Alternative Health Dispute Resolution. *Hong Kong Journal of Social Sciences*.
- Sitompul, A. (2020). E-Procurement System in the Mechanism of Procurement of Goods

- and Service Electronically. *International Asia of Law and Money Laundering*, 1(1),
Sitompul, A. (2020). The Criminal Replacement Of Fine In Law Of Money Laundering Number 8 Of 2010 (Case Study In North Sumatera). *International Journal Of Creative Research Thoughts*, 8 (11).
- Sitompul,A , & Sitompul, M. N. (2020, February). The Combination Of Money Laundering Crime With The Origin Of Narkotics Crime To Islamic Law. In *Proceeding International Seminar of Islamic Studies* (Vol. 1, No. 1)
- Sitompul,A , & Sitompul, M. N. (2022, Juni). Execution Of Death Penalty In Narcotics Crime In The Perspektif Of National Law In Indonesia. , *International Asia Of Law And Money Laundering*, 1(2),
- Sitompul,A , Wahyuni Sri Wahyuni & Fithri, B. S. (2022,). Implementation Of Teh Child Protection Act As A Positive Law In Eradicating Child Marriage In Indonesia , *Legal Brief*, 5 (11).
- Sodikin,(2020) *Paradigma Undang-Undang dengan Konsep Omnibus law Berkaitan dengan Norma Hukum yang Berlaku di Indonesia*, *Jurnal Rechtsvinding*, Vol. 9 No.1.

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- Soenino,(2004) *Ilmu Negara*, Liberty, Yogyakarta
- Soerjono Soekanto,(1986) *Pengantar Penelitian Hukum*, Jakarta: Rineka Cipta.
- Soerjono Sukanto,(2005) *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, Rajawali Pers,Jakarta
- Soesilo R, Kitab,(1993) *Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*, Polite Raya, Bogor.