

## Building Public Order through Siyasah Dusturiyah: The Role of Government in Preventing Illegal Street Racing

Rahmadini<sup>1</sup>, Nurhikma<sup>1</sup>, Hebby Rahmatul Utamy<sup>1</sup>, Dewi Putri<sup>1</sup>

<sup>1</sup> Universitas Islam Negeri Mahmud Yunus Batusangkar

### Correspondence:

[rahmadiniok@gmail.com](mailto:rahmadiniok@gmail.com)

Received: 29-08-2024

Revised: 15-11-2024

Accepted: 30-12-2024



**Abstract:** The main issue discussed in this thesis is the ongoing occurrence of illegal racing in Bukittinggi, which contradicts the Bukittinggi Regional Regulation No. 3 of 2015 on Public Order and Tranquility, specifically Article 10, letter a, which prohibits any individual from engaging in racing, speeding, or standing on the road without permission. The purpose of this research is to examine the form of law enforcement by the Civil Service Police Unit (Satpol PP) in addressing illegal racing in Bukittinggi and to analyze the perspective of \*Siyasah Dusturiyah\* on the authority of Satpol PP in enforcing Bukittinggi Regional Regulation No. 3 of 2015. This research is field research with a descriptive qualitative approach. Primary data sources include Civil Servant Investigators (PPNS) from the Bukittinggi Satpol PP and individuals involved in illegal racing activities. Secondary data sources include the local community around the illegal racing locations. The findings of this study show that Satpol PP's efforts to combat illegal racing in Bukittinggi are in two forms. First, the pre-emptive law enforcement focuses on prevention through education and outreach activities conducted directly to the public and through media. Second, preventive law enforcement is aimed at preventing legal violations or criminal acts before they occur, such as conducting routine patrols in areas prone to illegal racing and collaborating with related institutions like the Police and the Department of Transportation. Viewed from the Siyasah Dusturiyah perspective, the authority of Satpol PP is relevant to the concept of Wilayatul Hisbah and Ulil Amri. Wilayatul Hisbah emphasizes the task of supervision and enforcement of goodness (*amar ma'ruf*) and the prevention of wrongdoing (*nahi munkar*). The enforcement of illegal racing regulations is a form of *nahi munkar* carried out by Satpol PP to ensure that public behavior remains within safe and lawful boundaries. This action by Satpol PP is in line with the principle of Ulil Amri, which stresses the importance of legitimate authority in maintaining public welfare and safety.

**Keywords:** Public Order, Law Enforcement, Rule of Law

## Introduction

The main issue in this thesis is the prevalence of illegal street racing in Bukittinggi City. This is inconsistent with Bukittinggi City Regulation Number 3 of 2015 concerning Public Order and Tranquility, specifically Article 10, paragraph a, which states that "any person or entity is prohibited from racing, street racing, or standing on public roads without permission." Illegal street racing has become a familiar phenomenon in society, particularly in Bukittinggi. As we know, road users are not limited to adults, but also include teenagers. Illegal street racing refers to the activity of competing vehicles, such as motorcycles or cars, on public roads without permission from the authorities (Damayanti et al., 2022).

Typically, these activities are performed by groups of vehicle owners, often with modified vehicles, and occur at certain times, usually late at night until early morning when the roads are relatively empty.

In response to this issue, the government seeks to regulate activities that disrupt public order or disturb the community. The regional government has a local apparatus, the Satpol PP (Public Order Agency), as outlined in Law No. 9 of 2015 on Regional Government, Article 255, paragraph (1). To optimize this, Government Regulation No. 16 of 2018 was enacted, amending Law No. 6 of 2010 on Satpol PP. According to Government Regulation No. 16 of 2018, Article 5 defines the duties of Satpol PP, including enforcing local regulations and municipal orders, maintaining public order and tranquility, and ensuring public protection. The authority of Satpol PP is regulated in Article 7, which includes the power to carry out non-judicial enforcement against individuals, officials, or legal entities violating local regulations or municipal orders, act against those disturbing public order and tranquility, investigate suspected violations, and take administrative actions against violators.

Based on the duties and authorities outlined in Government Regulation No. 16 of 2018, Satpol PP has the authority to enforce Bukittinggi City Regulation No. 3 of 2015, specifically Article 10, paragraph a, which prohibits illegal street racing. Illegal street racing violates the social norms based on the Pancasila, particularly the second principle, which states "humanity that is just and civilized." Therefore, efforts should be made to prevent illegal street racing. As a rule-of-law state, Indonesia must ensure that all citizens are treated equally before the law. In other words, Indonesia must uphold the law to achieve the nation's goals, as stated in the Fourth Paragraph of the Preamble to the 1945 Constitution. Law enforcement is an effort to ensure that legal norms are effectively functioning as guidelines for behavior in social and national life to achieve justice, legal certainty, and the benefits of law (Romdoni et al., 2023).

## Literature Review

### 1. Theory of the Rule of Law

The concept of the rule of law is a fundamental principle in modern governance that emphasizes the supremacy of law as the foundation for all state actions and policies (Natardi & Witro, 2022). In a state governed by the rule of law, the law is the highest authority that must be adhered to by all parties, including both the government and citizens (Putra & Rahmi, 2021). No one, including government officials, is above the law. Every individual has equal rights before the law and is entitled to legal protection without discrimination, upholding the principles of justice and equality. The law must be applied impartially, ensuring that everyone is treated equally and granted the same rights under the law.

The theory of the rule of law is a principle that underscores the necessity of governing and societal life being regulated and conducted based on applicable laws (Ben-Menahem & Ben-Menahem, 2020). This concept emphasizes that law must be the primary basis for decision-making and the exercise of power, ensuring that all actions taken by the government and individuals are in accordance with established rules (Craigie et al., 2019). Within the framework of the rule of law, no one is above the law, including public officials, meaning all parties must adhere to the law in a fair and consistent manner.

The law should be clear, transparent, and accessible to everyone to ensure that society understands their rights and obligations. Furthermore, the protection of human rights is an essential part of this theory, where the fundamental rights of each individual must be respected and safeguarded. To ensure the fair application of law, the judiciary and law enforcement agencies must operate independently from political influence. Accountability and transparency in governance are also critical to maintaining public trust. With these principles, the theory of the rule of law aims to create a stable and just system where power is exercised legally and individual rights are guaranteed (Taekema, 2021).

### 2. Theory of Law Enforcement

The theory of law enforcement is a comprehensive study of how laws are applied and executed in practice (Angkasa et al., 2023). This theory encompasses an analysis of fundamental principles such as justice, legal certainty, and equality before the law, which form the foundation of the law enforcement process. Additionally, this theory investigates the various stages in the law enforcement process, from investigation, prosecution, trial, to the execution of sentences. The focus is on understanding how written laws, as stated in statutes, can be translated into real actions by law enforcement agencies such as the police, prosecutors, and the judiciary. This theory also examines the challenges faced in law enforcement, such as corruption, abuse of power, and lack of resources, while evaluating the effectiveness of the legal system in achieving its goals of maintaining order, protecting human rights, and ensuring justice for all citizens.

Law enforcement plays a crucial role in establishing and maintaining order and justice in society (Bawono et al., 2024). Without effective law enforcement, rules and regulations designed to protect individual rights and freedoms would lack meaningful power. The primary function of law enforcement is to ensure that all individuals and entities, regardless of social, economic, or political status, are subject to the same law. This prevents arbitrary behavior and abuse of power, while also providing a sense of security to the public, knowing that the law will protect them from injustice and crime. Fair and transparent law enforcement is essential for building and maintaining public trust in the legal system and government. When the public sees that the law is consistently enforced without discrimination, they are more likely to comply with the law and support law enforcement agencies. Transparency in law enforcement also allows the public to oversee legal processes, prevent corruption, and ensure that law enforcement officials act in accordance with principles of justice and integrity (Putri, 2024).

### **3. Public Order**

Public order refers to a state of safety, tranquility, and freedom (Brown, 2020) from disturbances or chaos that would disrupt the activities necessary for achieving the overall welfare of society, operating in an orderly manner according to laws and norms. This also indicates that maintaining public order is crucial for the smooth functioning of governance, the implementation of development, and community building in a particular region or area, ensuring the achievement of development goals aimed at societal well-being.

The factors that promote public order involve various elements working together to create a safe and organized environment. One of the main factors is consistent and fair law enforcement by law enforcement agencies. When the law is enforced strictly and without discrimination, the public feels more confident in adhering to regulations and feels protected. Additionally, legal education and awareness play a vital role in encouraging public order, as they provide the public with an understanding of their rights and responsibilities and the importance of following the rules.

To establish and maintain public order, cooperation between the government, law enforcement agencies, and society is required (Robinson, 2020). The government is responsible for setting clear and fair rules and regulations and ensuring that law enforcement agencies are adequately resourced to enforce those regulations. Law enforcement agencies, such as the police, play a role in preventing and addressing legal violations that may disrupt public order. They must act professionally, justly, and without discrimination to maintain public trust.

## **Method**

The type of research used in this study is field research, which was conducted at the office of the Civil Service Police Unit (Satpol PP) in Bukittinggi and at locations where illegal racing occurs. The research method employed is a qualitative method, which involves examining the actual situation that occurs in society, particularly by gathering facts related to the research problem. Empirical legal research is a research method that uses empirical facts derived from human behavior, both verbal behavior obtained from interviews and real behavior observed through direct observation. In the research process, the

researcher employed data collection techniques such as interviews, observations, and documentation. The technique used for data analysis is qualitative analysis, which involves uncovering and describing events, phenomena, and data that occur in the field in the form of words or writings from individuals, as per the actual reality in the research setting.

## Results and Discussion

### 1. Efforts of Pamong Praja Police Unit in Tackling Illegal Racing Actions Occurring in Bukittinggi City

*First*, preemptive efforts are actions taken to prevent the occurrence of a violation or crime before it happens. In the context of law enforcement, preemptive efforts aim to identify, reduce, or eliminate factors that may lead to legal violations or disruptions to public order. Law enforcement through preemptive efforts focuses on prevention through education and traffic awareness programs, especially for the youth, about traffic violations like illegal racing, which clearly violates existing regulations. This effort can be carried out by fostering public participation in various activities, especially legal counseling, to raise awareness and encourage adherence to applicable laws. Some of the preemptive efforts conducted by the Civil Service Police Unit (Satpol PP) of Bukittinggi in addressing the issue of illegal racing include conducting legal counseling or socialization to the public regarding Regional Regulation Number 3 of 2015, which aims to create public peace and order. These socialization activities are not conducted on a fixed schedule or regularly. Regarding the issue of illegal racing, the socialization is carried out directly in the field, such as during patrols. If any individuals are found engaging in illegal racing or are about to, Satpol PP of Bukittinggi provides guidance to the youth, advising them not to repeat such actions. This activity took place on Sunday, May 19, 2024, when Satpol PP took action against illegal racers at the Bypass Gulai Bancah. The team secured five motorcycles, which were then taken to the Gon Bukittinggi Police Station. The individuals involved received guidance and counseling, after which they were asked to return the following Monday, bringing their motorcycle documents along with their parents. Additionally, information and appeals were provided to the public through a radio broadcast on June 21, 2024, from 08:00 to 09:00 WIB on RRI PRO 1 Bukittinggi FM 97.2 MHz. The discussion did not focus solely on illegal racing but covered the entirety of the regional regulations (Perda), with the aim of raising public awareness in Bukittinggi about the importance of maintaining public peace and order.

*Second*, Preventive measures are actions taken to prevent violations or crimes by focusing on reducing the opportunities for such actions to occur. Unlike preemptive measures, which emphasize early prevention through education and guidance, preventive measures are more oriented toward actions that directly prevent violations. The primary goal is to create a safe and orderly environment in the community. The forms of preventive measures taken by the Bukittinggi Satpol PP in relation to illegal racing include routine patrols and cooperation with the Bukittinggi police. Routine patrols are one of the preventive measures taken by Satpol PP to prevent illegal racing, with patrols conducted from 11:00 PM until completion. These patrols are carried out at several high-traffic areas, such as the By Pass in front of the Bukittinggi City Hall, along Sudirman Street, and in the area behind Balok. During the patrol, if any violations such as illegal racing are detected, Satpol PP immediately takes action by issuing warnings or providing guidance at the scene and then dispersing the crowd. These routine patrols are expected to reduce the frequency of illegal racing, prevent traffic accidents, and minimize other negative impacts that may arise from such illegal activities.

In addition to routine patrols, Satpol PP frequently coordinates with other law enforcement agencies, such as the police, in joint operations that are routinely held every Saturday night, known as the "show of force" activity. Satpol PP is part of a team called SK4, which consists of the police and the Transportation Department. In this joint operation, the team conducts

monitoring or patrols in locations identified as prone to illegal racing and youth gatherings. If any violations, such as illegal racing, are detected, the individuals are immediately apprehended and taken by the police for further action. The police follow up according to the local regulations, where offenders are subject to an administrative fine of IDR 250,000 and temporary confiscation of their identification cards and vehicles, as stipulated in Article 35, Paragraph 4 of the Bukittinggi City Regulation Number 3 of 2015. This collaboration aims to create a safer and more orderly environment and to reduce the frequency of illegal racing by carrying out effective routine patrols and joint operations in areas prone to such activities.

## **2. Building Public Order through *Siyasah Dusturiyah*: The Role of Government in Preventing Illegal Street Racing**

In the framework of *siyasah dusturiyah*, illegal racing can be understood as an activity that contradicts the principles of law and constitutionalism. *Siyasah dusturiyah* emphasizes the importance of the implementation and enforcement of laws, where illegal racing often violates traffic laws and public safety regulations (Kosasih et al., 2024). The regulation of illegal racing by the Civil Service Police Unit (Satpol PP) is a concrete example of the enforcement of law aimed at maintaining public order and safety. Satpol PP, as a law enforcement apparatus, has the duty to enforce regional regulations and local government regulations, as well as to maintain public order and security. This is relevant to *siyasah dusturiyah*, particularly in the context of *wilayatul hisbah* (Asmarianti & Yunarti, 2022). *Wilayatul hisbah* is an institution with the authority to supervise and resolve minor violations that, by their nature, do not require a judicial process for resolution.

Satpol PP is responsible for maintaining public order and enforcing regional regulations, covering various aspects of community life such as spatial planning, the environment, and security. They operate based on the applicable laws and regulations in the country. Meanwhile, *wilayatul hisbah* is more specific to countries that implement Islamic law, such as the enforcement of morality and Sharia rules. *Wilayatul hisbah* is tasked with overseeing compliance with Islamic norms in daily life, including aspects such as clothing, behavior, and other public activities. In the context of *siyasah dusturiyah*, these two institutions share a common goal: to maintain social order and enforce rules based on the laws deemed legitimate. *Wilayatul hisbah* can be seen as a concrete implementation of the principles of *siyasah dusturiyah* in regulating social life based on Islamic law, while Satpol PP plays a similar role within the framework of secular law in Indonesia.

*Wilayatul hisbah* is an institution responsible for enforcing *amar ma'ruf nahi munkar*—the principle of promoting good and preventing evil (Fanani & Takayasa, 2022). The concept of *amar ma'ruf nahi munkar* in the context of *wilayatul hisbah* refers to the responsibility and role of the supervisory institution in promoting goodness and preventing wrongdoing in society. "Amar Ma'ruf" means commanding or encouraging good deeds and virtues, while "Nahi Munkar" means preventing or forbidding bad deeds or those that are harmful. *Wilayatul hisbah* is responsible for maintaining the morality and ethics of society based on Islamic Sharia principles, including overseeing and enforcing laws to ensure that good is promoted and bad is prevented. The primary function of *wilayatul hisbah* is to carry out *amar ma'ruf nahi munkar* in various aspects of life, including social, economic, and cultural spheres (Alkalah, 2016). The concept of *amar ma'ruf nahi munkar* in the context of *wilayatul hisbah* is relevant to the authority of the Bukittinggi Satpol PP in regulating illegal racing. *Amar ma'ruf nahi munkar*, meaning to command good and prevent evil, reflects the core principles that also underlie Satpol PP's duties in maintaining public order and enforcing the regulations of Bukittinggi.

Illegal racing is an activity that not only violates traffic regulations but also endangers public safety and disrupts public order. In regulating illegal racing, Satpol PP performs the function of *nahi munkar* by preventing and stopping this harmful and dangerous behavior. Additionally, Satpol PP provides socialization about the dangers of illegal racing and the importance of adhering to regulations, which is also in line with the principle of *amar ma'ruf* (Maulana et al., 2022). By educating the public, especially the youth, about the risks and negative consequences of illegal racing, Satpol PP seeks to encourage

more responsible behavior that aligns with good social norms. Just as wilayatul hisbah in an Islamic context functions to maintain moral and ethical standards, Satpol PP functions to maintain public order and community safety through enforcement of regulations and education. While these two institutions differ in their context and scope of duties, they share the same goal of creating a safe, orderly, and harmonious environment for society.

## Conclusion

Based on the results of the research, the efforts of the Civil Service Police Unit (Satpol PP) in eradicating illegal racing in Bukittinggi are carried out based on the Bukittinggi Regional Regulation No. 3 of 2015 concerning Public Order and Safety. Satpol PP Bukittinggi implements two main efforts: *first*, preemptive efforts, which focus on prevention through education and socialization, such as direct outreach to the community and media campaigns. *Second*, preventive efforts aim to prevent legal violations or crimes before they occur, such as conducting routine patrols in areas prone to illegal racing and collaborating with relevant agencies, such as the Police and the Department of Transportation. Then, a review of siyasah dusturiyah regarding the authority of the Civil Service Police Unit (Satpol PP) in enforcing the Bukittinggi Regional Regulation No. 3 of 2015 on Public Order and Safety shows that Satpol PP plays an important role and has clear authority in maintaining public order and safety. From the perspective of siyasah dusturiyah, Satpol PP's authority is relevant to Wilayatul Hisbah. Wilayatul Hisbah emphasizes the duty of supervision and the enforcement of good (amar ma'ruf) and the prevention of wrongdoing (nahi munkar). In this context, Satpol PP Bukittinggi's authority to regulate illegal racing can be understood as an effort to prevent activities that endanger public safety and order. The regulation of illegal racing is a form of nahi munkar carried out by Satpol PP Bukittinggi to ensure that public behavior stays within safe and lawful boundaries. Based on the concept of Ulil Amri, which refers to obedience to a legitimate authority responsible for managing societal affairs for the welfare and justice of the people, Satpol PP, as part of the government authority, exercises this power by enforcing the Bukittinggi Regional Regulation on public order and safety, especially in regulating illegal racing. Satpol PP's actions align with the principle of Ulil Amri, emphasizing the importance of legitimate authority in safeguarding public welfare and safety.

## References

- Angkasa, A., Wamafma, F., Juanda, O., & Nunna, B. P. (2023). Illegal Online Loans in Indonesia: Between the Law Enforcement and Protection of Victim. *Lex Scientia Law Review*, 7(1), 119–178. <https://doi.org/10.15294/lesrev.v7i1.67558>
- Asmarianti, A., & Yunarti, S. (2022). Analisis Sulthah Qadhaiyyah Terhadap Putusan Mahkamah Konstitusi No. 36/PUU-XV/2017 Terkait Kedudukan Komisi Pemberantasan Korupsi. *JISRAH: Jurnal Integrasi Ilmu Syariah*, 3(1), 27–35.
- Bawono, B. T., Jaelani, A. K., Saputra, R., Sobirov, B. B., & Mukhanova, G. (2024). The Impact of Islamic Economics Principles on the Tax Compliance Payment Entertainment Policy. *JURIS (Jurnal Ilmiah Syariah)*, 23(1), 107. <https://doi.org/10.31958/juris.v23i1.12182>
- Ben-Menahem, H., & Ben-Menahem, Y. (2020). The Rule of Law: Natural, Human, and Divine. *Studies in History and Philosophy of Science Part A*, 81, 46–54. <https://doi.org/10.1016/j.shpsa.2019.05.001>
- Brown, D. (2020). Civil order, criminal justice, and 'no justice no peace.' *University of Toronto Law Journal*, 70(supplement 1), 84–101. <https://doi.org/https://doi.org/10.3138/utlj.2019-006>
- Craigie, J., Bach, M., Gurbai, S., Kanter, A., Kim, S. Y. H., Lewis, O., & Morgan, G. (2019). Legal Capacity, Mental Capacity and Supported Decision-Making: Report from a Panel Event. *International Journal of Law and Psychiatry*, 62, 160–168. <https://doi.org/10.1016/j.ijlp.2018.09.006>
- Damayanti, R., Bakri, M., Jumra, J., Sandra, G., & Yadi, S. (2022). Police Efforts in Combating and

- Preventing Illegal Racing Among Youth. *Journal of Asian Multicultural Research for Social Sciences Study*, 3(2), 49-57. <https://doi.org/10.47616/jamrsss.v3i2.285>
- Fanani, A., & Takayasa, T. I. (2022). Hisbah in Public Moral and Marketplace Control: From Historical to Indonesian contexts. *HIKMATUNA: Journal for Integrative Islamic Studies*, 8(1), 40-54. <https://doi.org/10.28918/hikmatuna.v8i1.4666>
- Kosasih, A., M, S., Fauzan, F., & Kusmidi, H. (2024). Strengthening the Indonesian Bicameral Parliament: Siyasah Dusturiyah Perspective. *Al-Istinbath: Jurnal Hukum Islam*, 9(1), 335. <https://doi.org/10.29240/jhi.v9i1.10047>
- Maulana, F. H., Nurohman, T., & Noorikhshan, F. F. (2022). Sociopolitical Analysis of The Escalation of The Islamic Defenders Front (FPI) Movement During The Reign of Basuki Tjahaja Purnama (Ahok) in DKI Jakarta 2014-2017. *International Journal of Social Sciences Review*, 3(1), 49-72. <https://doi.org/10.57266/ijssr.v3i1.78>
- Natardi, N., & Witro, D. (2022). Argumentasi Yuridis Pemberlakuan Hukum Keperdataan Islam di Indonesia. *JISRAH: Jurnal Integrasi Ilmu Syariah*, 3(2), 161-171.
- Putra, A. A., & Rahmi, N. (2021). Otoritas Presiden dalam Menetapkan Peraturan Pemerintah Pengganti Undang-Undang (Tinjauan Fiqh Siyasah Dusturiyyah dan Hukum Positif). *JISRAH: Jurnal Integrasi Ilmu Syariah*, 2(2), 69-80.
- Putri, R. S. D. (2024). Analisis Transparansi Proses Penyidikan dan Efektivitas Penyelesaian Perkara dalam Konteks Perlindungan Hak Tersangka di Indonesia. *Causa: Jurnal Hukum Dan Kewarganegaraan*, 6(5), 21-30. <https://doi.org/https://doi.org/10.3783/causa.v6i5.6239>
- Robinson, S. C. (2020). Trust, Transparency, and Openness: How Inclusion of Cultural Values Shapes Nordic National Public Policy Strategies for Artificial Intelligence (AI). *Technology in Society*, 63, 101421. <https://doi.org/10.1016/j.techsoc.2020.101421>
- Romdoni, M., Fatma, M., Nurdiansyah, R., Suyanto, S., & Lubis, A. F. (2023). A Critique and Solution of Justice, Certainty, and Usefulness in Law Enforcement in Indonesia. *Journal of Law Science*, 5(4), 174-181. <https://doi.org/https://doi.org/10.35335/jls.v5i4.4269>
- Taekema, S. (2021). Methodologies of Rule of Law Research: Why Legal Philosophy Needs Empirical and Doctrinal Scholarship. *Law and Philosophy*, 40(1), 33-66. <https://doi.org/10.1007/s10982-020-09388-1>