

EFFORTS TO COUNTER FALSE REPORTS FROM THE COMMUNITY AT THE BREBES REGENCY FIRE DEPARTMENT



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Abstract. *The importance of legal action against perpetrators who make false reports in DAMKAR Brebes Regency. The crime of forgery is a crime that contains a system of untruth or falsehood about a thing or object that appears from the outside as if it is true when, in fact, it is contrary to the truth. This description is the background of the problem in writing, namely, what is the motive of the perpetrators who make false reports in the Brebes Regency Fire Department, and how are the efforts of the Brebes Regency Fire Department to deal with the existence of false reports of fires in the Brebes Regency area. This research method uses normative judicial, legal research that is carried out using research on literature materials or secondary data. This research can be called normative research or literature research. The results of this study show that the motive is the intentionality of the perpetrator of false reports, considering the curiosity of the perpetrator because it can be searched in the search system in the form of Google and Instagram. Furthermore, the sense of ignorance from the last perpetrator and the panic from the complainant are also factors that trigger false reports. It is not uncommon for overlapping reports to become difficult for firefighters when preparing services to carry out blackouts. When unexpected disasters occur, such as snakes, things are related to electrical circuits and many more forms. Educate the local community about the importance of doing good and correct reporting so that the effectiveness, accountability, and transparency of the Brebes Regency DAMKAR are carried out. What is the power of the community service provider if it is not supported by community cooperation?*

Keywords: *Legal Countermeasures, False Reporting, DAMKAR*

A. Introduction

Research Background

The population growth in the Brebes district is very high, increasing the need for land for housing and other activities. In addition, the increase in socio-economic activities in cities as part of urban growth and development is also the cause of the increasing demand for the procurement of housing, settlements, urban, industrial trade, and other social facilities. This, of course, has implications for land use change that have an impact on the burden of urban life, which is getting heavier so that it causes various increasingly complex problems in the fields of social, economic, socio-cultural, political, government, order and security, and so on.

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Fires are different from disasters with other disasters, such as floods, earthquakes, and the arrival of storms, with technological advances usually preceded by the arrival of early warning. This makes it very possible to suppress the occurrence of more significant losses and casualties caused by the disaster. This is not the case with fire hazards, where this disaster always comes without being predicted and predicted like other disasters.

The application of criminal law, in addition to being based on a series of criminal law rules, must also be based on the principles and theories of criminal law as the most principled guideline in interpreting the applicability of criminal law. Principles are fundamental principles that must be upheld when carrying out a rule in criminal law. In addition, theory in criminal law is a guideline based on the thoughts of experts or experts in criminal law who are studying the criminal law system. It can also be used as a benchmark in applying criminal law, both material criminal law and formal criminal law. Criminal law theory is divided into three categories, namely absolute/retribution theory, objective/relative theory, combined theory, and integrative theory.¹

Regarding the difference or similarity between forgetfulness (*culpa*) and intentionality (*dolus*), intentionality means a criminal act of a different type from forgetfulness. Still, the foundation is the same: Acts that should not be done with criminal threats.

1. Have a desire to be responsible.
2. He has no excuse for forgiveness. But in intention (*dolus*) and Forgetfulness (*culpa*) and intentionality (*dolus*) in making mistakes have different forms. Intentionality (*dolus*) in making mistakes has elements that want to make mistakes or are not afraid of sanctions in criminal acts that have been regulated. Still, if forgetfulness (*culpa*) in making mistakes is due to negligence in their actions, they make mistakes.

The law on negligence causing a fire is Article 188 of the Criminal Code (KUHP). Which reads: Whoever by mistake (negligence) causes a fire, explosion, or flood is threatened with imprisonment for a maximum of five years or imprisonment for a maximum of one year or a fine of up to four thousand five hundred rupiah, if the act causes a general danger to the goods, if the act causes a threat to the life of another person, or if the act results in the death of the person.

To be punished in this article, the act must meet two elements:

1. Because his actions cause fire, flood, or explosion, the mistake is not intentional but due to negligence;
2. Because of his mistake, there is an overall danger to life, to other people's belongings that are in the place, or to cause people to die.

This explains that no matter how the fire was carried out intentionally or unintentionally due to negligence or negligence (*culpa*), it is still criminally prosecuted under Article 188 of the Criminal Code.

About reports related to criminal acts, in this case, the Brebes Regency DAMKAR often receives several false reports about the existence of fires, one of which on December 5 was a false report carried out by the community, in this case using the pseudonym

¹Started. Conditional criminal institutions. Bandung: Alumni, 2002, pp. 23-35.

"Kinanti" which tells if the house was on fire, but when the DAMKAR came to the location there was no fire. There were no signs of danger in the village, and after a review was carried out of the community without the name "Kinanti." Therefore, from this background, the author is interested in continuing his research with the title of this research proposal: "Efforts To Overcome False Reports From The Community At The Brebes Regency Fire Department."

Based on the background of the problems that the author has described above regarding the issues that are growing and developing in the community, namely, what is the motive perp making false reports in the Brebes Regency Fire Department, and how are the efforts of the Brebes Regency fire department to deal with false reports of fires in the Brebes Regency area?

B. Research Methods

In this study, the author uses a doctrinal research method, *the rule of law*, namely normative juridical. That is research that lays the law as an essential reference in forming legal norms.² Normative research is carried out using the *Statute Approach* and *The Case Approach*, namely by examining and describing literature materials in the form of literature, legislation, and some news related to the problem to be discussed; in this case, it is related to a juridical review of criminal reports from the community (Case Study in Fire Brebes Regency).

C. Literature Review

Review of Legal Measures Against Public False Reporting

Legal remediation is an effort to realize legal ideas and concepts that the people expect to become reality. Legal remediation is a process that involves many things.³ Legal remediation means harmonizing the values contained in the rules with the reality of behavior in society to create justice, truth, and social benefits.

Order is a measure in the living environment in which there are private actors and members of the community who meet the rules of law, legal norms, religious norms, social norms, and applicable laws and regulations by the provisions of Brebes Regent Regulation No. 53 of 2009 concerning Guidelines for Regional Implementers of Brebes Regency No. 1 of 2015 concerning Peace and Public Order, so it is essential if reviewed from the rules for maintaining community stability, primarily through disasters, floods and things related to disasters in Brebes Regency.

Violating a norm or law, then there is no escape from responsibility. Criminal liability in foreign terms is also called *teorekenbaardheid* or *criminal responsibility*, where a situation can cause a person to receive a burden in the form of a criminal or sanction for all the consequences he has committed.⁴ Crime can cause unrest for individuals and society,

² Shamsir, Digisman, *The Function of Prison Punishment in the Penal System in Indonesia*, Bandung: Bina Cipta, 1992, p.37.

³ Mahrus Ali. *Basics of Criminal Law*, East Jakarta: Sinar Grafika, 2015, p.3.

⁴ Badra Nawawi Arief, *Flower of Potpourri Criminal Law Policy*, Bandung: PT. Image. Aditya Bakri, 2003. p. 41.

so this is a threat that has the potential to disturb social peace. This means that this crime is not only a social problem but also a humanitarian problem. Benedict S. Alpen also agreed that if crime is a social problem that continues to be taken care of it, it will become a phenomenon of criminal acts, "*The oldest social problem*".⁵ Criminal law, according to Sudarto, is "Criminal law is a law that contains legal rules that bind to acts that meet certain conditions for a criminal consequence. In line with this, the Criminal Code (KUHP) contains two main things", namely:

Contains paintings of acts that are threatened with a criminal offense, which allows the court to impose a criminal sentence. So, here it is as if the state is declaring to the public as well as to law enforcers, what acts are prohibited and who can be punished. The Criminal Code stipulates and announces what reaction will be received by the person who commits the prohibited acts. In modern criminal law, this reaction is not only in the form of a criminal but also what is called an action, which aims to protect the community from acts that harm it.⁶

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When a criminal act occurs, it is related to a violation of norms (interference with legal order) that has been intentionally or unintentionally committed by a perpetrator where the imposition of punishment on the perpetrator is for the sake of maintaining legal order and ensuring the public interest. Fire and Rescue Service, now referred to as the Fire and Rescue Service, is an organized Dacrah Device. Fire Affairs. This is closely related to the duties of DAMKAR, which have been regulated in the provisions of Article of the Minister of Home Affairs Regulation Number 16 of 2020 concerning Guidelines for the Nomenclature of the Fire and Rescue Service and Regency/City. Nomenclature of the Fire and Rescue Service and Regency/City.

D. Discussion

Aspects of the motives of the perpetrators of making false reports in the Brebes Regency DAMKAR

Improving the quality of services will bring progress for government institutions to survive rescuing people in need. Therefore, efforts to improve the quality of services are the most severe management challenge because the success of achieving the goals and survival of government institutions depends on the quality of human resources

⁵ Article 1 paragraph 4 of the Regulation of the Minister of Home Affairs Number 16 of 2020 concerning Guideline

performance. One way to improve the quality of service is to improve employee discipline, where discipline includes attendance through absenteeism in and out of work, which is supported by a good system. As well as objective assessment and supervision of performance from direct superiors. An employee with high discipline will carry out his work even without being supervised by his superiors and correctly obey all the rules the organization sets without feeling forced.

In essence, disciplined employees will produce optimal performance compared to undisciplined employees. The crime of forgery is a crime in which it contains a state of untruth or falsehood of an object that appears from the outside as if it is true even though it is contrary to the truth. At the same time, counterfeiting is the act of changing in any way by a person who does not have the right to do so that part or all of the truth becomes different or different.⁷

Legal remediation aims to bring justice, legal certainty, and social benefits into reality. So, legal remedies are essentially the process of manifesting ideas. Legal countermeasures are the process of making efforts to uphold or function legal norms in real terms as a guideline for perpetrators in traffic or legal relationships in the life of society and the state. Legal remediation is an effort to realize legal ideas and concepts that the people expect to be fact. Legal remediation is a process that involves many things.⁸

Criminal law countermeasures are a system that concerns the harmony between values and the rules and real behavior of society. These rules then become guidelines or benchmarks for behaviors or actions that are considered appropriate or should. The behavior or attitude aims to create, maintain and maintain peace. So based on the results of the interview with Mr. Sujadi, S.E. (Head of Linmas Damkar) Brebes Regency that in this case the motive for the perpetrator to make a false report at the Brebes Regency DAMKAR is:⁹

1. The perpetrator of the false report intends to consider his curiosity about firefighters because he remembers that this firefighter is transparent in his service. Thus, the number of the contact person with public relations is directly connected and can be searched in the search system via Google and Instagram.
2. Furthermore, the sense of ignorance from the perpetrator in this case sometimes that the fake number is the original number where it had happened in 2022; precisely in May, there was a child who called our side with a report that there had been a fire, but when reviewed at the location there was no incident
3. Whatever it says, it is quiet situation; responding to this from our side, we also continue to hold evaluations related to Brebes Regency on June 1, 2023, at 11.00 WIB. with the handling of report cases. Furthermore, panic from the complainant is also a factor that triggers false reports, and it is not uncommon for overlapping reports to become difficult for Fire Fighters when preparing for services both in carrying out blackouts and when unexpected disasters occur, such as snakes, there are things related to electrical circuits and many more forms. When the report is false to the Brebes Regency

⁷ Adami Chazawi, *Crime Against Counterfeiting*, (Jakarta: PT. Raja Grafindo Persada, 2001). p. 3.

⁸ Dellyana Shant, *The Concept of Law Enforcement*, Liberty, 1988, Jakarta, p. 32

⁹ Interview with Mr. Sujadi, S.E., as the Head of Linmas Damkar

fire department, criminal liability is required to require that the maker be responsible.

A person can't be held accountable when he cannot take responsibility. The question arises when is a person said to be able to take responsibility. It is the measure to declare the ability to be responsible. So, the first is the factor of reason, which is to be able to distinguish between permissible and non-permissible actions. The second is the factor of feeling or will, which is being able to adjust their behavior with the conversion of what is allowed and what is not. As a consequence, of course, a person who is not able to determine his will according to his conviction of the good and bad of the deed has no fault.

Such a person cannot be held accountable. According to Article 44 of the Criminal Procedure Code, the inability must be caused by a defect or illness in the growth of the inner apparatus. So closely related to the opinion of Adami Chazawi, the crime of forgery or abbreviated as the crime of forgery is in the form of a crime in which it contains elements of untruthful or false circumstances of something (object) that appears from the outside as if it exists, when in fact it is contrary to the truth. Where the crime of forgery is a crime that contains a system of untruth or falsehood of something (object) that appears from the outside as if it is true when, in fact, it is contrary to the truth.

Efforts to deal with Brebes Regency firefighters against false reports of fires in the Brebes Regency area

Counterfeiting is a crime that contains a state of untruth or falsehood of an object that appears from the outside as if it is true even though it is contrary to the real thing. In contrast, counterfeiting is the act of changing in any way by a person who is not entitled and has a different result from the original state. Acts of forgery can be classified as fraud crimes because they are untrue.

However, due to the existence of false reports carried out by the community, the Fire Department has become less than optimal in realizing technical policies in the field of Fire Prevention and Control, including prevention, coaching and counseling, operational control of firefighting as well as facilities and infrastructure for fire prevention and management. In addition, the concern of the Brebes Regency Fire Department is in terms of the obligation of a person or organizational unit to be responsible for the management and control of resources and the implementation of policies entrusted to the community to achieve the goals that have been set through the media of periodic accountability. Accountability of the Technical Implementation Unit of the Brebes Regency Fire Service as the executor of the activities of the implementing service in the field of peace and public order as well as community protection, disaster affairs, and fire affairs, which are the authority. For this reason, this accountability effort is considered an effort implemented by the Brebes Regency Fire Department to reduce the number of false reports by ordering administration as a form of formal accountability that must be taken when a report occurs

Then the principle of openness began to be applied by routinely conducting socialization to the local community regarding the administrative flow of reporting and temporary disaster prevention as an effort to protect fire hazards.

Therefore, the optimization of the DAMKAR here still provides a reason for forgiveness for the perpetrators with the provision that if it has been reported three times. It is known that the person who committed the same person will be reported to the police,

in this case, the role of the Brebes Regency firefighters is to provide a deterrent effect for the perpetrators of the crime of false reporting about disaster events so that the purpose of the Criminal Investigation will be achieved to scare people not to commit crimes Both by scaring the crowd (generals preventive) and scaring the perpetrators so that in the future they will not commit crimes again and to educate or improve people who commit crimes to become people with good character so that they are beneficial to society. Apart from that, there are additional administrative checks in the form of the obligation to share the location and additional ID card photos as evidence when a report occurs. So when the community is orderly, an excellent and optimal service system will be realized according to the Vision and Mission of the Brebes Regency Fire Department. In that case, DAMKAR's real effort in coping is by educating the local community about the importance of good and correct reporting so that the effectiveness, accountability, and transparency of the Brebes Regency DAMKAR are carried out because what is the power of the community service provider if it is not supported by community cooperation.

E. Conclusion

1. The Motive of the Perpetrator of Making False Reports in DAMKAR Brebes Regency The crime of Counterfeiting is a crime in which it contains a system of untruths or falsehoods about a thing or object that appears from the outside as if it is true when fact it is contrary to the truth. As for the motive, namely, the intentionality of the perpetrator of the false report, considering the perpetrator's curiosity about firefighters because remembering that this firefighter is transparent in the service so that the number which is the contact person with public relations is directly connected and can be searched in the search system in the form of google and Instagram. Furthermore, the sense of ignorance from the perpetrator in this case sometimes shows that the fake number is the original number where it had happened in 2022, precisely in May. There was a child who called our side with a report that there had been a fire, but when reviewed at the location, there was no incident it was said that the situation was calm; responding to this from our side also continued to hold evaluations related to the handling of the reported case. Finally, panic from the complainant is also a factor that triggers false reports, and it is not uncommon for there to be overlapping reports, which is also tricky for Fire Fighters when preparing services both in carrying out blackouts and when unexpected disasters occur, such as snakes, there are things related to electrical circuits and many more forms.
2. Efforts to deal with the Brebes Regency firefighters against false reports of fires in the Brebes Regency area. The optimization of the DAMKAR here still provides a reason for forgiveness for the perpetrators with the provision that if they have reported three times. It is known that the same person who did the same person will be reported to the police; in this case, the role of the Brebes Regency firefighters is to provide a deterrent effect for the perpetrators of the crime of false reporting regarding disaster events so that the purpose of Penal Services will be achieved to scare people not to commit crimes, both by scaring the crowd (generals preventive) and scaring the perpetrators so that in the future they will not commit crimes again

and to educate or improve people who commit crimes so that they become people with good character so that they are beneficial to society. Apart from that, there are additional administrative checks in the form of the obligation to share the location and additional ID card photos as evidence when a report occurs. So when the community is orderly, a good and optimal service system will be realized according to the Vision and Mission of the Brebes Regency Fire Department.

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