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## Law Enforcement and Human Rights (The Role of Muhammadiyah in the Humanitarian Case in Kendari)

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### ABSTRACT

*This research aims to describe the role of Muhammadiyah in law enforcement and human rights in Kendari. The main problem that becomes the focus of this study is: what is the role and form of Muhammadiyah involvement in encouraging human rights law enforcement efforts for the 26th September 2019 case in Kendari, and what factors have pushed Muhammadiyah to be involved in this problem? The study of the problem is based on qualitative data obtained through in-depth interviews, observation and document study. The collected data were analyzed using a data analysis mechanism developed by Miles and Huberman combined with Von Eckartsberg's hermeneutic phenomenological approach. This study concludes: (1). Muhammadiyah as a social element of Islam in Kendari plays a significant role in encouraging the law enforcement process for humanitarian cases that cause the loss of human life. The indicator of this significant role is the success of the Muhammadiyah Advocate Team in bringing and forwarding the related cases to the general court until the Panel of Judges sentenced the defendant to 4 (years) in prison. Second: the form of Muhammadiyah's involvement in cases of law and*

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*human rights violations in Kendari is to provide assistance to victims and witnesses and to oversee the law enforcement process down to the court level. Third: the serious efforts shown by Muhammadiyah elements in guarding the process and law enforcement on the 26 September 2019 case cannot be separated from the basic ideology of the Muhammadiyah movement, namely the preaching of amar maruf nahi munkar.*

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## A. Introduction

In fact, the social role of society in the field of law enforcement and human rights is generally carried out by organizations or NGOs that are specifically involved in the world of law such as organs of Legal Aid Institutions (LBH) and the like. Meanwhile, the role and involvement of Islamic mass organizations in related fields is minimal. Due to this reality, studies that discuss the role of Islamic organizations in the field of law enforcement and human rights in Indonesia are very rare. Several writings that try to examine related matters, among others, can be seen in Rifqo Ridho Pahlevy's writing: *Transforming the Role of Organizations in Law Enforcement in Indonesia*. Pahlevy found evidence that post-reformation the role of religious-based social organizations, especially Islam in the management of the life of the nation and state, experienced significant developments. They are not only concerned with educational, social and economic issues through the various institutional instruments they have created, but also begin to lead to legal and governmental issues.

In this context, Islamic organizations, including Muhammadiyah, have dared to take a position against the authorities. The integration of transcendental values in the context of law enforcement is carried out by Muhammadiyah by accommodating the scientific construction of prophetic law that is developing in the social and religious scientific hazards of the Muhammadiyah organization. The concept of constitutional jihad represents the essence of the values and spirit carried by Muhammadiyah in advocacy and law enforcement.<sup>1</sup> Firmansyah and Arif Hidayat, *Muhammadiyah's Advocacy Approach in*

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<sup>1</sup>Rifqi Ridlo Pahlevy, "Transformasi Peran Ormas dalam Penegakan Hukum di Indonesia", dalam *Prosiding Seminar Nasional*, tentang Hukum Transendental, 2018, p. 564.

*Handling Terrorism in Indonesia.*<sup>2</sup> The findings of this study indicate that the involvement of civil society in countering terrorism is very dynamic, especially when the Muhammadiyah entity is involved in it. The initial pattern has indeed begun to show friction in the pattern of countering terrorism from being coercive to being humanist. Muhammadiyah's approach in overcoming the problem of terrorism is of course not directly using the power relations it has head to head with state institutions, but first doing advocacy, both directly (in Siyono's case) and in legislative debates (making laws. terrorism) as well as intellectual debate (re-conceptualizing the meaning of reduced terrorism). When this pattern has been implemented, Muhammadiyah is able to play the agenda of setting the state in overcoming the issue of terrorism.<sup>3</sup>

The reality of the minimal contact between Islamic religious mass organizations and problems around law enforcement and human rights as described, it encourages researchers to examine this focus by starting with the events of the 29 September 2019 humanitarian case in Kendari. The analysis of this problem is focused on the role of Muhammadiyah Sulawesi-Southeast Sulawesi in advocating for the case of Randi's death at a student demonstration who rejects the Anti-Corruption Bill. Studies or research on Muhammadiyah's role in upholding human rights as previously stated, although not much has been done, at least some researchers have done it. Among them is the Pavlevy study of the Transformation of the Role of Organizations in Law Enforcement in Indonesia. Although Pavlevy discussed the role of Muhammadiyah in the legal field, he did not specifically discuss the involvement of this organ in cases of legal advocacy. In contrast to the choice of this study which focuses on the litigation movement played by Muhammadiyah in one case and legal problems. A study that looks similar to and intersects with this research is a study conducted by Firmansyah, although Firmansyah's study focuses on terrorism advocacy, while the choice of cases in this study is the problem of law enforcement and human rights committed by Muhammadiyah against victims of violence with alleged involvement of enforcers. laws that cause the loss of human life with different location and place.

Law enforcement in a narrow sense is an activity to prosecute any violation or deviation of statutory regulations, through a criminal justice process that involves the role of police officers, prosecutors, advocates or lawyers, as

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<sup>2</sup>Firmansyah dan Arif Hidayat, "Pendekatan Advokasi Muhammadiyah dalam Penanganan Terorisme di Indonesia", *JPI (Journal of Political Issues)*, Vol. 2 No. 1, Juli 2020.

<sup>3</sup>*Ibid.*, p. 18.

well as judicial institutions.<sup>4</sup>(*Law enforcement*) in a broad sense is an activity to implement and apply law and take legal action against any violation of the law committed by legal subjects, either through judicial procedures or through arbitration procedures and other dispute resolution mechanisms (*alternative disputes or conflicts resolution*) . In a broader sense, law enforcement activities include all activities intended to ensure that the law as a normative set of rules that regulates and binds legal subjects in all aspects of social and state life is strictly obeyed and implemented properly.<sup>5</sup>

## B. Methods

Data on the focus of the study were obtained through a series of in-depth interviews with a number of informants, either directly involved in the event or not directly involved but knowing the events in focus. To strengthen and enrich the data obtained through interviews, the author also made observations and reviewed a number of bibliographical documents related to the sub-substance of the problem. Considering that this research is related to the study of empirical law, the data obtained in the field were analyzed using the hermeneutic phenomenological approach as theorized by Von Eckartsberg combined with the data analysis mechanism of Miles and Huberman.<sup>6</sup>

## C. Discussion

### 1. Construction of Occurrence

The 26 September 2019 case is actually a series of national events driven by civil society forces spearheaded by students. The student movement in this case was a manifestation of student protests against the government's legal political policy intending to replace the Anti-Corruption Law by making a new Anti-Corruption Bill. The 2019 Anti-Corruption Bill is seen by most legal experts as an attempt to weaken the anti-corruption movement in Indonesia, especially the KPK. In response to this, students throughout Indonesia simultaneously voiced their rejection of the bill. Demopun occurred in various cities throughout Indonesia, including in

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<sup>4</sup>Jimly Ashshiddiqie, 2006, *Hukum Tata Negara dan Pilar – Pilar Demokrasi, Serpihan Pemikiran Hukum, Media dan HAM*, Syamil Cipta Media, Jakarta, p. 386.

<sup>5</sup>*Ibid.*, p. 385.

<sup>6</sup>Clark Moustakas, *Phenomenologi Research Methode*, (London: SAGA Publication, Intc. 1994), p. 15-16/ Matthew B. Miles & Huberman, *Qualitatif Data Analysis: A Sourcebook of New Method*, (Baverly Hills: Sage Publication, 1986), p. 20.

Kendari. The peak of the movement and mass mobilization by students in Kendari occurred on September 26, 2019, where all elements of the campus and student organizations poured out onto the streets and voiced rejection of the draft law at the DPR-Southeast Sulawesi Province building.<sup>7</sup>

The very large number of masses made the atmosphere uncontrollable, causing unavoidable clashes between students and security officers. In order to stop the increasingly uncontrolled movement of the mass, the police fired tear gas at the crowd of students which caused most of the students to run scattered and secure themselves. In this uncontrollable atmosphere, a UHO student on behalf of Randi lay covered in blood because he was hit by a live bullet. Apart from Randi, another student named Yusuf also suffered serious injuries allegedly as a result of a blunt force blow. The victim, Randi, was then transported by pick up to the hospital. KOREM, but the victim who was hit by the shot was not helped until he finally breathed his last. The victim was then taken by his friends and family to the hospital. Abu Nawas Kendari.<sup>8</sup>

The two students, Randi and Yusuf, died in an effort to straighten the nation's orientation, or remind all the children of this country not to fall asleep, dissolve and be trapped from efforts to objectify the new Corruption Eradication Commission Law which actually perpetuates the function of the KPK in eradicating corrupt attitudes and actions in this country. Randi and Yusuf faced the Supreme Being on September 26, 2019, during a demonstration by students who rejected the revision of the KPK Law. Randi and Yusuf as inseparable parts of young people who cared about and refused to weaken the KPK at that time were also immersed in the atmosphere of the demonstration, but the atmosphere became tense with the news about Randi's unfolding figure.

Dr. Raja Al Fatih Widya Iswara, the head of the team forensic experts at Kendari Hospital, confirmed that students of the Faculty of Fisheries and Marine Sciences, University of Halu Oleo Kendari, Randi, died from being shot by a live bullet. Based on the results of an autopsy conducted by a joint

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<sup>7</sup>Editor, *Ribuan Mahasiswa di Kendari Tolak Pelemahan KPK dan RUU KUHP*, <https://kumparan.com/kendarinesia/ribuan-mahasiswa-di-kendari-tolak-pelemahan-kpk-dan-ruu-kuhp->, accessed August 2<sup>nd</sup> 2020.

<sup>8</sup>Editor, *6 Fakta Randi Mahasiswa Universitas Halu Oleo Kendari Meninggal/Tewas Tertembak, Penembak Misterius*, <https://makassar.tribunnews.com/2019/09/26/6-fakta-randi-mahasiswa-universitas-halu-oleo-kendari-meninggaltewas-tertembak-penembak-misterius>, accessed August 8<sup>th</sup> 2020.

team of doctors on the victim's body, Randi was hit by a live bullet in the left armpit through to his right chest.<sup>9</sup> About 16 hours later, Randi's colleague, Yusuf, was also reported that he had passed away to Rahmatullah. Yusuf's death was allegedly the result of being hit by a hard object on the back of his head. Suddenly the public reacted to the death of the two students. This condition resulted in the people of Kendari City experiencing deep sorrow, and a few days after the incident a wave of protests from the public and students colored the social atmosphere of the Kendari community.

## **2. Forms and Factors of Muhammadiyah Involvement**

After Randi's death or around 9:00 p.m., the Muhammadiyah Regional Leaders of Southeast Sulawesi, as an integral part of the Kendari City community, mourned and met with the family to convey their deep condolences for the incident. In an atmosphere of mourning over Randi's passing, a number of journalists then asked the Muhammadiyah leadership for comments. In his press statement, Ahmad Aldjufri, the Head of PWM. Southeast Sulawesi calls on the public to be calm and not be provoked and to maintain social conducivity, but at the same time, PWM. Southeast Sulawesi encourages this case to be resolved through the existing legal channels and mechanisms. The day after Randi's death, on September 27, 2019, on Friday at the meeting room of the Muhammadiyah Kendari University (UMK), the Regional Leaders of Muhammadiyah Sulawesi-Southeast held a press conference which was attended by a number of journalists. The press conference at that time was carried out by Muhammadiyah in order to reinforce Muhammadiyah's attitude towards the death of two innocent human children. Muhammadiyah reiterated that all parties can restrain themselves and not be provoked to take destructive actions. At the same time Muhammadiyah together with other elements of civil society are ready to guard this problem to its conclusion.

As a follow-up to this attitude, Muhammadiyah then formed a Complaints Post which was placed in the office / Secretariat of the Muhammadiyah Sulawesi-Southeast Regional Leadership at Jalan KH. Ahmad Dahlan 24, at the same time forming an advocacy team assigned to assist the families of the victims, with the hope that the case can be revealed

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<sup>9</sup>Siti Harlina, Hasil Autopsi: Randi Tewas Ditembak, Peluru Masuk Ketiak Kiri Keluar di Dada Kanan, <https://news.detik.com/berita/d-4724408/hasil-autopsi-randi-tewas-ditembak-peluru-masuk-ketiak-kiri-keluar-di-dada-kanan>, accessed August 2<sup>nd</sup> 2020.

clearly. The efforts of the Muhammadiyah Sulawesi-Southeast Regional Leadership were not only positively welcomed by the PP. Muhammadiyah but also by a number of civil society elements also supported the steps of Muhammadiyah Sulawesi-Southeast. In fact, not less than 50 advocates expressed readiness to join the advocate team formed by Muhammadiyah, but in the end Muhammadiyah decided that the case would be fully guarded by a Muhammadiyah team consisting of 6 (six) lawyers. These six advocates formed by Muhammadiyah were officially authorized by Randi's parents / family to oversee the humanitarian case.<sup>10</sup> Unlike the Randi family, Yusuf's family, who were also victims of the same action, seemed not to be interested in bringing the case and incident to the realm of law.

It is not easy for Muhammadiyah Sulawesi-Tenggara to handle cases of victims of alleged violence or shooting experienced by someone during a demonstration. Apart from not having much experience in assisting similar cases, there is also a fact that cannot be denied, that the search and search for justice by the community for cases of violence allegedly committed by “unscrupulous” law enforcement officials are rarely resolved properly. This also refers to reports from a number of national media, that at the same time as the case that occurred in Kendari, there were a number of cases of victims of violence that were allegedly committed by law enforcement officers against demonstrators who were protesting against the Anti-Corruption Bill and the Criminal Code Bill. However, in a number of cases it can be said that none of them have been followed up in accordance with the applicable legal procedures.<sup>11</sup>

If later Muhammadiyah elements dissolve along with the resignation of most of the people, then it is not impossible that similar incidents will continue to occur in this area and this has the potential to give rise to fears of social elements to proclaim the voice of truth, so that in turn, authoritarianism is not only sustainable but also sways. in social space without correcting. Muhammadiyah fully understands that if the struggle against corruption is subject to authoritarian tactics and hegemony of power, then it can be

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<sup>10</sup>Dwi Bowo Raharjo dan Novian Ardiansyah, *Kader IMM Tewas Saat Demo, PP Muhammadiyah Kawal Kasus Randi Sampai Tuntas*, <https://detiksultra.com/2019/10/02/orang-tua-randi-sepakat-dikawal-tim-advokat-muhammdiyah/diakses>, accessed August 8<sup>th</sup> 2020.

<sup>11</sup>Sania Mashabi, *Komnas HAM Desak AParat Usut Tuntas Kasus Kerusuhan di Aksi Unjuk Rasa*, <https://nasional.kompas.com/read/2020/10/05/11521481/komnas-ham-desak-apatat-usut-tuntas-kasus-kerusuhan-di-aksi-unjuk-rasa/>, accessed December 2<sup>nd</sup>,2020.

imagined what the fate and future of this nation will be. If Muhammadiyah is silent, then naturally the victims of humanity will be led to a historical stigma, that their struggle is on the wrong and wrong path. That is why, even with very limited capabilities, the elements of Muhammadiyah Sulawesi-Southeast, try to be strong and stand tall in the forefront. Of course it is not young for Muhammadiyah to do this, the power political attraction is very strong, has a significant effect on the stability of the feeling and position of a number of Muhammadiyah crews, but the rhythm of kinks can be maintained with the help of prayers from Muhammadiyah members and support from a number of social elements such as KONTRAS, Witness Protection Institution, Ombusmen RI, Komnas HAM, Press and especially the Law and Human Rights Council PP. Muhammadiyah.

Another fact that encourages Muhammadiyah to take greater steps and care for this event, given the socio-cultural and political climate at the time of the event, like the weather, is very illuminating. This is at least indicated by the silence of elements of the campus elite, especially the two large campuses on the mainland of Southeast Sulawesi, namely Halu Oleo University (UHO), where both victims sow hopes for their future, as well as IAIN Kendari. The two large campuses in Kendari were originally hoped to be able to enlighten and defend the conscience of the people, but in reality they fell asleep or even turned their backs to being the defenders of the establishment. Under these conditions it is very reasonable if the Regional Leadership of Muhammadiyah Sulawesi-Southeast builds a channel to channel people's hopes for the disclosure of the humanitarian case. The attitude taken by Muhammadiyah is a reflection of the awareness of Muhammadiyah elements as well as showing deep concern for all acts of arrogance by legal officers who carelessly use an iron fist in the name of power.

The seriousness and tenacity of the advocate team formed by Muhammadiyah at least found a bright spot, after the Inavis Team from the Southeast Sulawesi Regional Police (Sultra) together with a team from the National Police Headquarters carried out the TKP, and found three shells where the two students died.<sup>12</sup> Even though the Inavis Team had found the casings at the scene of the crime (TKP), efforts to investigate the case seemed slow, and because of this the Muhammadiyah Advocacy Team, through its

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<sup>12</sup>Sitti Harlina, *Olah TKP Mahasiswa Tewas di Kendari, Polisi Temukan 3 Selongsong Peluru*, <https://news.detik.com/berita/d-4725470/olah-tpk-mahasiswa-tewas-di-kendari-polisi-temukan-3-selongsong-peluru>, accessed August 2<sup>nd</sup> 2020.



release on 12 October 2019, asked the President to form a Fact Finding Team. The argument related to the pressure was because until entering the 3rd (third) week there were only 6 (six) people who were suspected of violating the code of discipline. 6 (six) unscrupulous members of the National Police with the status of being investigated in such humanitarian cases will only be tried in ethical matters. According to the Muhammadiyah advocacy team, this is evidence of the slow process of investigation to determine who the perpetrator is strongly suspected of carrying out the shooting.<sup>13</sup>

The results of the trial of the code of ethics, it was decided, the six members were found guilty of violating disciplinary rules. The penalties for the six members of the Kendari Police were in the form of: verbal warning, one year delay in promotion, and imprisonment for 21 days. However, a number of parties view the results of the decision of the code of ethics as insignificant for a case of the loss of the life of a public child, because the social implications caused are not proportional to the actions committed. Contrast, for example, in its lyrical press, states that the Decree of the Southeast Sulawesi Regional Police which only imposes sanctions on violations of the code of ethics on 6 (six) members of the Police, without immediately being followed by criminal examinations of the suspected perpetrators and the person in charge of the shooting shows that the Indonesian National Police (Polri) appears to be protecting the alleged perpetrator of the shooting and the person in charge of securing the action which resulted in the shooting and the loss of life. In this case, the verdict of this ethics trial is not proportional to the impact caused by the shooting incident which resulted in the loss of a person's life (the victim).<sup>14</sup>

The police did not remain silent over the criticism of a number of circles, encouraging the Regional Police to move quickly, so that on November 11, 2019, based on the evidence found, the Police then announced a suspect in the case. Announcement of related matters was delivered at the National Police Headquarters where the suspect Brigadier AM was subject to

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<sup>13</sup>Juli Hantoro, *Kuasa Hukum Randi – Yusuf Minta Jokowi Bentuk Tim Pencari Fakta*, <https://nasional.tempo.co/read/1259154/kuasa-hukum-randi-yusuf-minta-jokowi-bentuk-tim-pencari-fakta/full&view=ok>, accessed August 2<sup>nd</sup> 2020.

<sup>14</sup>Yati Andriani, *Hasil Pemeriksaan Propam, Enam Polisi Sulawesi Tenggara Dikenai Sanksi Disiplin: Harusnya Penembak Mahasiswa Dipidana!*, <https://kontras.org/2019/10/31/hasil-pemeriksaan-propam-enam-polisi-sulawesi-tenggara-dikenai-sanksi-disiplin-harusnya-penembak-mahasiswa-dipidana/>, accessed August 2<sup>nd</sup> 2020.

Article 351 paragraph 3 of the Criminal Code and or Article 359 of the Criminal Code, a subsidiary of Article 360 of the Criminal Code. Article 351 paragraph 3 regulates the punishment for maltreatment resulting in the death of another person, namely a maximum imprisonment of 7 years.<sup>15</sup> The appointment of Brigadier AM as a suspect in the case of Randi's death was greeted positively, but the Muhammadiyah advocates had doubts about its accuracy, so they then raised an objection. The application of Article 351 paragraph 3 of the Criminal Code and / or Article 359 of the Criminal Code, a subsidiary of Article 360 of the Criminal Code against the suspect Brigadier AM in the Randi case was deemed inappropriate by the legal team so that it needed to be corrected by the National Police Headquarters.

The Muhammadiyah legal team is of the view that the application of the articles as mentioned is inconsistent with or contrary to the investigation process. That the suspect AM is one of the 6 (six) people who underwent a disciplinary hearing because he was proven to be carrying firearms at the security site for the demonstration on September 26, 2019. The reality explicitly shows that the suspect AM is part of the names on the demonstration security warrant have been instructed by the Head of the Regional Police of Southeast Sulawesi and the Kapolres of Kendari not to carry firearms in security. With the proof that the suspect AM in the disciplinary hearing has brought a gun, this can provide new evidence of clues to the application of the law to the suspect. The application of Article 351 paragraph 3 of the Criminal Code and / or Article 359 of the Criminal Code, a subsidiary of Article 360 of the Criminal Code to the suspect must be corrected. For the Muhammadiyah legal team, the articles that were actually imposed on the suspect were Article 355 of the Criminal Code concerning persecution carried out by plot, as well as Article 338 of the Criminal Code concerning murder and Article 340 of the Criminal Code concerning premeditated murder. The reason was because previously the Head of the Southeast Sulawesi Regional Police and the Kendari Police Chief instructed all personnel not to carry firearms while guarding the demonstration. After several months of struggling to uphold justice for Randi's death, the case file for Randi's shooting with the suspect Police Brigadier AM was declared P21

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<sup>15</sup>Rachmawati, *Brigadir AM Jadi Tersangka Penembakan Mahasiswa Kendari, Keluarga: Tersangka Minimal 2 Orang*, <https://regional.kompas.com/read/2019/11/08/11010071/brigadir-am-jadi-tersangka-penembakan-mahasiswa-kendari-keluarga-tersangka?page=all>, accessed August 2nd 2020.

alias complete. This refers to the Sulawesi-Tenggara Kajati letter number: B - 376 / P.3.4 / Eoh.1 / 02/2020 dated 17 February 2020 cases 338 and or 351 paragraphs 1 and 3 and / or 359 in the name of tsk (suspect) Abdul. Malik with victims Randi and Maulida Putri (minor injuries) were declared complete / P21.<sup>16</sup>

Furthermore, at the trial of the case's verdict which was held on December 1, 2020, the Panel of Judges at the South Jakarta District Court sentenced Brigadier Abdul Malik (AM) to the accused shooter of La Randy, a student of Halu Oleo University Kendari, Southeast Sulawesi. The verdict was read out by the Head of the Panel of Judges, Agus Widodo, during the trial to read out the charges which took place by teleconference at the South Jakarta District Court and the Southeast Sulawesi District Prosecutor's Office and the Police Headquarters Detention Center. The panel of judges stated that the defendant Abdul Malik was legally and convincingly proven to have committed a criminal act because his negligence caused someone to die, because his negligence caused another person to be injured. The panel of judges sentenced the defendant to four years in prison and ordered the defendant to remain detained in the state-owned detention center (Rutan). The judge also determined that the period of detention the defendant had served was not included in the criminal that had been imposed.<sup>17</sup>

The judge's decision as described above, although not yet inaccurate because the defendant still has the right to file an appeal, cassation, and PK, but the bright point of law enforcement and human rights that involves the community and law enforcement officials is quite encouraging. On the other hand, the involvement of social elements, in this case socio-religious organizations such as Muhammadiyah, is proven to be able to make a significant contribution in encouraging law enforcement and human rights in society.

### 3. Result of Research

Public participation and involvement in the context of law enforcement and human rights is important, considering that the State as an organization

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<sup>16</sup>Sitti Harlina, *4 Kali Bolak – Balik, Berkas Tersangka Penembakan Mahasiswa Kendari Lengkap*, <https://news.detik.com/berita/d-4906152/4-kali-bolak-balik-berkas-tersangka-penembakan-mahasiswa-kendari-lengkap>, accessed February 19<sup>th</sup> 2020.

<sup>17</sup>Editor, *Polisi Penembak Mahasiswa di Kendari Divonis Empat Tahun Penjara*, <https://sultraberita.id/2020/12/polisi-penembak-mahasiswa-di-kendari-divonis-empat-tahun-penjara>, accessed December 3<sup>rd</sup> 2020.

of power has the potential to be misused by individuals who temporarily hold power. That is why in a democratic country it requires participation as a form of checks and balances on power. Participation and checks and balances aim to remind power holders to be perpendicular to the rails and the prevailing legal rules. Public participation in upholding human rights in Indonesia has a strong foothold because it is explicitly regulated in Law No. 39 of 1999. Based on the law, both individuals and groups are given the right to take part and at the same time play an active role in upholding and advancing human rights. Thus, the involvement of Muhammadiyah in legal cases involving the community and power stakeholders, especially law enforcement officers, is part of its socio-cultural responsibility protected by law.

Legal efforts in order to protect and enforce Human Rights (HAM) were shown by elements of Muhammadiyah Sulawesi-Southeast in the Randi case, in the context of Muhammadiyah culture as an integral part of da'wah. In the context of Islam, da'wah itself is part of a social obligation that must be carried out in order to create a dignified civilization. The presence of Muhammadiyah in the area of advocacy as seen in a number of cases, both at the local and national levels deserves appreciation, considering that this organ is actually not an organ that is specifically engaged in the field of law such as LBH and the like. Since its existence, Muhammadiyah has been a socio-religious organ that operates in a broad social field. In its development, this organ becomes an institution that manages education, health and social humanity in the sense of empowering the poor (weak groups) through the establishment of orphanages, with a large number of institutions not to say that the largest in the archipelago may even be in the world. However, his active activities in legal advocacy are not as famous as his activities in the three areas that have been mentioned. The presence of Muhammadiyah in a number of legal cases involving the community and the government actually adds to the strength of the socio-cultural elements for efforts to make law the commander of this country. Together with Muhammadiyah, with the number of members and the big names it carries, it is hoped that it can trigger the "courage" of the community to become more aware of voicing their legal rights. In turn, the presence of Muhammadiyah is also expected to trigger similar mass organizations to take an active part in legal advocacy movements.

The legal advocacy movements that are now growing within Muhammadiyah are expected to be sustainable, aka they are not incidental

and temporary movements. So that in the future, it is necessary to form a special forum in the field of advocacy that is more specific than the Law and Human Rights Council. Besides that, the cadre of advocates within Muhammadiyah is actually one of the programs in the future so that Muhammadiyah's movement in the field of legal assistance can become more unified. By encouraging Muhammadiyah to continue its movement in the field of legal advocacy, it will increasingly make Muhammadiyah service for the people and the nation not only more real, but also its broad reach and its aura is increasingly down to earth. Muhammadiyah's basic capital is significant enough to develop this, considering that this organ has hundreds of Universities and dozens of Law Faculties throughout Indonesia so that from the human resource side, it is believed that Muhammadiyah will not be overwhelmed.

In terms of the form of its involvement in legal cases as already mentioned, it can be stated that Muhammadiyah's role by deploying advocates in humanitarian cases on September 26, 2019 (Randi's case) shows that Muhammadiyah has entered the realm of litigation assistance. Namely assistance for law enforcement through court channels.<sup>18</sup> Noting Muhammadiyah's steps and strategies in handling Randi's case during a period of 14 (fourteen) months starting from the investigation phase to mentoring, Muhammadiyah's advocacy moves were quite real and had significant results. This can at least be noticed when the suspect is found and named in the case. Not only that, the indication of strategic and measured movements carried out by Muhammadiyah can also be considered in the success of the Muhammadiyah Advocate Team to straighten the alleged article against the suspect from the article on serious maltreatment to the article on premeditated murder. Another significant indicator to mention Muhammadiyah's success in legal advocacy, especially in the Randi case is bringing the suspect to court. In fact, based on the decision of the Panel of Judges dated December 1, 2020, the defendant on behalf of Brigadier Abdul Malik was sentenced to prison for 4 (four) years.<sup>19</sup>

The research findings show that the significant role of Muhammadiyah Sulawesi-Southeast in advocating law and human rights cases in the events of 26 September 2019 is empirical and indisputable. From the results of the

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<sup>18</sup>Jimly Ashshiddiqie, 2006, *Hukum Tata Negara dan Pilar-Pilar Demokrasi, Serpihan Pemikiran Hukum, Media dan HAM*, Syamil Cipta Media, Jakarta, p.386.

<sup>19</sup>Ibid., p. 388.

author's tealaah, it was found that the driving factor for Muhammadiyah's movement and steps to be actively involved in investigating and assisting the humanitarian case on September 26, 2019 (the case of Randi's death) is closely related to the ideology of the Muhammadiyah movement, namely as a movement of da'wah amar makruf nahi mungkar. For Muhammadiyah, an effort to uncover cases of human rights violations and follow them up to court is a real implementation of the motion of amar makruf nahi mungkar. The Muhammadiyah entity views that its involvement in law enforcement is part of the implementation of da'wah. Apart from the ideological factor of the movement, external forces that triggered Muhammadiyah involvement, apart from the fact that this case is a condition of violating human values that are upheld in a democratic country, it also cannot be separated from the context and social dynamics when the incident occurred. The context referred to is the neglect of the majority of the campus elite community to raise concerns about cases involving law enforcement officials and the community. In the case of 26 September 2019, the civilization of the campus elite turned into the mouthpiece of the provisional regime in power.

In providing assistance to the humanitarian case on 26 September 2019 (the case of Randi's death), there are at least 5 (five) national-scale institutions that provide support to Muhammadiyah, namely: Komnas HAM, LPSK,<sup>20</sup> Press, ORI and KONTRAS in addition to PP. Muhammadiyah Law and Human Rights Council. PP. Muhammadiyah through its letter to the Muhammadiyah Regional Headquarters, instructed the Muhammadiyah leadership to oversee the legal process for the September 26, 2019 case to completion.<sup>21</sup> The synergy built by the Muhammadiyah legal team with related institutions has a significant impact on the success of solving problems, so that maximum results can be achieved, namely the success of bringing the case to court and more importantly, the Muhammadiyah Advocacy Team is able to convince the Police to apply the article on murder of the perpetrator. And then on December 1, 2020, the Panel of Judges at the South Jakarta District Court sentenced Brigadier Abdul Malik (AM) to the convicted student shooter in the September 26 2019 demonstration case.

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<sup>20</sup>Fitria Chusna Farisa, LPSK Pastikan Lindungi Keluarga Randi – Yusuf dari Intimidasi, <https://nasional.kompas.com/read/2019/12/13/18491001/lpsk-pastikan-lindungi-keluarga-randi-yusuf-dari-intimidasi>, August 8th 2020.

<sup>21</sup>Dwi Bowo Raharjo dan Novian Ardiansyah, *op.Cit*.

## D. Conclusion

Based on an analysis of Muhammadiyah's role in the case of humanity on 26 September 2019 in Kendari, the authors conclude three things. First: Muhammadiyah as a social element of Islam plays a significant role in seeking and encouraging law enforcement for humanitarian cases that cause the loss of human life. This significant role was indicated by the success of the Muhammadiyah Advocate Team in bringing the case to the general court until the Panel of Judges sentenced the defendant to 4 (years) in prison. Second: the form of Muhammadiyah's involvement in cases of law and human rights violations in Kendari is by providing assistance to victims and witnesses and overseeing the law enforcement process, starting from the level of the Police, the Attorney General's Office to the Court. Third: the real efforts shown by Muhammadiyah elements in guarding the process and law enforcement on the 26 September 2019 case cannot be separated from the basic ideology of the Muhammadiyah movement, namely; *da'wah amar ma'ruf nahi mungkar*.

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