

The Position and Scope of Authority of the Civil Service Police Unit (Satpol PP) in Handling Cohabitation Under Article 412 of the National Criminal Code

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Abstract

The enactment of Article 412 of Law Number 1 of 2023 concerning the Criminal Code introduces a criminal-law framework governing cohabitation outside marriage and raises questions concerning the authority of regional law-enforcement bodies, particularly the Civil Service Police Unit (Satpol PP). This article examines the scope and limitations of Satpol PP intervention in handling alleged cohabitation, particularly the boundary between administrative and criminal enforcement. Employing a normative juridical method, the study analyses legislation governing Satpol PP, regional government, and criminal law, supported by relevant legal scholarship. The analysis finds that Satpol PP possesses authority to enforce Regional Regulations and Regional Head Regulations and to maintain public order, but such authority remains institutionally confined to the administrative sphere. Article 412 does not independently confer criminal investigative authority upon Satpol PP, particularly because prosecution of the offence is subject to a specific complaint mechanism. The discovery of alleged cohabitation during a lawful public-order operation therefore does not, by itself, authorise Satpol PP to initiate criminal enforcement. Intervention remains permissible where an independent legal basis exists under a Regional Regulation or other applicable legislation within its competence, while criminal investigation and prosecution must remain within the authority and procedures of the criminal justice system. The study concludes that Satpol PP intervention should be assessed through four parameters: legal source, institutional competence, procedural legality, and proportionality. Maintaining these boundaries is essential to preventing administrative enforcement from expanding into criminal jurisdiction while preserving effective regional public-order governance.

Keywords: Satpol PP; cohabitation; Article 412; administrative enforcement; criminal jurisdiction.

Abstrak

Pemberlakuan Pasal 412 Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana memperkenalkan kerangka hukum pidana yang mengatur kohabitasi di luar perkawinan dan menimbulkan persoalan mengenai kewenangan lembaga penegak hukum di tingkat daerah, khususnya Satuan Polisi Pamong Praja (Satpol PP). Artikel ini mengkaji ruang lingkup dan batasan intervensi Satpol PP dalam menangani dugaan kohabitasi, terutama terkait batas antara penegakan administratif dan penegakan pidana. Dengan menggunakan metode yuridis normatif, penelitian ini menganalisis peraturan perundang-undangan yang mengatur Satpol PP, pemerintahan daerah, dan hukum pidana, yang didukung oleh literatur hukum yang relevan. Hasil analisis menunjukkan bahwa Satpol PP memiliki kewenangan untuk menegakkan Peraturan Daerah dan Peraturan Kepala Daerah serta memelihara ketertiban umum, tetapi kewenangan tersebut secara kelembagaan tetap terbatas pada ranah administratif. Pasal 412 tidak secara mandiri memberikan kewenangan penyidikan pidana kepada Satpol PP, terutama karena penuntutan terhadap tindak pidana tersebut tunduk pada mekanisme pengaduan tertentu. Oleh karena itu, ditemukannya dugaan kohabitasi dalam suatu operasi ketertiban umum yang dilakukan secara sah tidak dengan sendirinya memberikan kewenangan kepada Satpol PP untuk memulai penegakan pidana. Intervensi tetap dapat dilakukan apabila terdapat dasar hukum yang independen berdasarkan Peraturan Daerah atau

peraturan perundang-undangan lain yang berlaku dan berada dalam lingkup kewenangannya, sedangkan penyidikan dan penuntutan pidana harus tetap berada dalam kewenangan serta prosedur sistem peradilan pidana. Penelitian ini menyimpulkan bahwa intervensi Satpol PP perlu dinilai berdasarkan empat parameter, yaitu sumber kewenangan hukum, kompetensi kelembagaan, legalitas prosedural, dan proporsionalitas. Pemeliharaan batas-batas tersebut penting untuk mencegah penegakan administratif berkembang menjadi yurisdiksi pidana sekaligus menjaga efektivitas penyelenggaraan ketertiban umum di daerah.

Kata Kunci: Satpol PP; kohabitasi; Pasal 412; penegakan administratif; yurisdiksi pidana.

Introduction

The enactment of Law Number 1 of 2023 concerning the Criminal Code marks a significant stage in the reform of Indonesia's criminal law system. Among the provisions that have attracted considerable legal attention is Article 412, which introduces criminal liability for living together as husband and wife outside a lawful marriage. The provision is distinctive because it places conduct traditionally situated within the sphere of private and social morality within the framework of criminal law, while at the same time restricting prosecution through a complaint-based mechanism. Such a formulation reflects an attempt to reconcile the protection of social and familial values with the principle that criminal law should not intervene indiscriminately in private life. The emergence of Article 412 therefore raises not only questions concerning the substance of criminalisation but also questions concerning the institutional actors who may legitimately respond when alleged cohabitation is discovered (Mulyana, 2023).

The institutional dimension becomes particularly important because the enforcement of public order at the local level is entrusted, among others, to the Civil Service Police Unit (Satuan Polisi Pamong Praja or Satpol PP). Under Indonesia's regional government framework, Satpol PP is established as a regional apparatus responsible for enforcing Regional Regulations (Peraturan Daerah or Perda) and Regional Head Regulations (Peraturan Kepala Daerah or Perkada), maintaining public order and peace, and providing community protection. Government Regulation Number 16 of 2018 further defines the functions and operational authority of Satpol PP, including preventive measures, guidance, patrols, and non-judicial enforcement (Law Number 23 of 2014, 2014, art. 255; Government Regulation Number 16 of 2018, 2018, arts. 5–7; Najoo et al., 2024). The institutional position of Satpol PP is therefore different from that of the police and prosecutorial authorities. Its authority is primarily rooted in regional administrative law rather than in a general mandate to enforce every criminal provision contained in the National Criminal Code

(Rahmat, 2021). This distinction becomes crucial when an alleged act of cohabitation is encountered during local enforcement activities.

Article 412 creates an additional layer of complexity because the criminalisation of cohabitation does not establish an unrestricted mandate for state authorities to initiate criminal proceedings. In its original formulation, Article 412 paragraph (1) criminalised living together as husband and wife outside marriage, while paragraph (2) conditioned prosecution upon a complaint by persons specifically identified by law (Law Number 23 of 2014, 2014, art. 412). The complaint-based character of the provision distinguishes cohabitation from ordinary offences that may be processed once law-enforcement authorities acquire sufficient knowledge of a suspected offence. Consequently, the mere discovery of a man and a woman living together cannot, by itself, be treated as an unrestricted legal basis for criminal intervention. Recent scholarship has likewise identified the complaint mechanism, the formulation of “living together as husband and wife,” and the scope of persons entitled to submit a complaint as important questions concerning legal certainty and proportionality (Alivia et al., 2026).

The interaction between Article 412 and Satpol PP authority consequently presents a problem that cannot be resolved simply by classifying cohabitation as either a criminal matter or a public-order matter. A single factual situation may potentially implicate different legal regimes. A Satpol PP operation may, for example, be conducted lawfully on the basis of a Perda regulating public order, business premises, lodging establishments, or other forms of local administrative compliance. If an alleged cohabitation is discovered during such an operation, the existence of that factual circumstance does not automatically transform the administrative operation into criminal enforcement under Article 412. Conversely, the existence of a regional regulatory framework cannot be understood as granting Satpol PP an unlimited power to determine that a person has committed an offence under the National Criminal Code. The distinction between the legal basis, object, purpose, and procedure of administrative enforcement and those of criminal enforcement is therefore central to determining the lawful scope of Satpol PP authority (Government Regulation No. 16 of 2018, 2018, arts. 5–7).

This issue is particularly significant because the practical enforcement of local regulations frequently places Satpol PP in direct contact with conduct occurring in spaces that may possess both public-order and private dimensions. Previous studies have examined Satpol PP primarily from the perspective of enforcing regional regulations and maintaining public order, including the potential overlap between Satpol PP and the police in the exercise of public-order functions (Suprayetno,

2017). Research concerning cohabitation under Article 412, meanwhile, has predominantly concentrated on criminalisation, complaint-based prosecution, legal certainty, morality, and the relationship between cohabitation and broader criminal-law reform (Alivia et al., 2026; Ritonga & Mukhsin, 2024). The intersection between these two bodies of scholarship remains insufficiently developed: namely, the precise institutional position of Satpol PP when an alleged cohabitation is encountered in the exercise of regional administrative authority, and the point at which an otherwise lawful administrative intervention risks becoming an impermissible exercise of criminal-law enforcement. This institutional boundary is especially important following the commencement of the National Criminal Code and the subsequent constitutional litigation concerning Article 412 (Law Number 1 of 2023, 2023, art. 624).

The constitutional dimension further reinforces the need to examine the limits of Satpol PP authority. In March 2026, the Constitutional Court of the Republic of Indonesia issued Decision Number 280/PUU-XXIII/2025 concerning Articles 411 and 412 of Law Number 1 of 2023. The decision addressed the constitutional interpretation of the complaint mechanism applicable to the offences of adultery and cohabitation, thereby demonstrating that the operation of Article 412 must be understood not only within the framework of criminal law but also in relation to constitutional principles governing the scope of state intervention in private conduct (Constitutional Court of the Republic of Indonesia, 2026). At the same time, the existence of Article 412 does not displace the statutory framework governing Satpol PP. Its authority continues to depend upon the source of administrative power conferred by legislation and regional regulations. The central legal question is therefore not whether Satpol PP may “enforce” Article 412 in the abstract, but rather how its existing administrative powers should be exercised when conduct potentially falling within Article 412 is encountered, and where the boundary lies between legitimate regional enforcement and criminal-law enforcement reserved to competent law-enforcement institutions.

Against this background, this article examines The Position and Scope of Authority of the Civil Service Police Unit (Satpol PP) in Handling Cohabitation Under Article 412 of the National Criminal Code. The analysis focuses on two interconnected questions: first, how the legal position and institutional authority of Satpol PP should be understood within Indonesia’s regional government system; and second, how far that authority extends when Satpol PP encounters alleged cohabitation in the context of public-order enforcement. Rather than treating Article 412 as automatically expanding the authority of Satpol PP, this article distinguishes administrative enforcement of Perda and Perkada from criminal enforcement under the National Criminal Code.

Such a distinction is necessary to determine the lawful basis of Satpol PP intervention, the relevance of the complaint requirement, the role of Satpol PP personnel and PPNS, and the legal limits applicable when administrative enforcement encounters conduct potentially constituting a criminal offence. The analysis ultimately seeks to clarify the institutional boundary between local administrative authority and national criminal-law enforcement while preserving legality, legal certainty, proportionality, and the protection of individual rights.

Research Method

This research employs normative legal research to examine the legal position and scope of authority of the Civil Service Police Unit (Satuan Polisi Pamong Praja or Satpol PP) in handling cohabitation under Article 412 of Law Number 1 of 2023 concerning the Criminal Code. Normative legal research is concerned with examining legal norms, principles, doctrines, and statutory provisions in order to identify and construct legal arguments concerning a particular legal issue (Ali, 2011). This method is appropriate because the research does not seek to measure the implementation of Satpol PP authority through empirical observation, but rather examines the normative relationship between the authority granted to Satpol PP under the regional government legal framework and the criminal-law provisions governing cohabitation. The analysis therefore focuses on the legal basis, scope, and limitations of governmental authority in relation to the enforcement of Article 412.

The research applies a statute approach and a conceptual approach. The statute approach is used to examine the statutory framework governing the institutional position, duties, functions, and authority of Satpol PP, particularly Law Number 23 of 2014 concerning Regional Government and Government Regulation Number 16 of 2018 concerning the Civil Service Police Unit. The approach is also used to analyse Article 412 of Law Number 1 of 2023 concerning the Criminal Code and other relevant provisions governing criminal enforcement and complaint-based offences. The conceptual approach is employed to examine legal concepts relevant to the research problem, including governmental authority, administrative enforcement, non-judicial enforcement, complaint-based offences, and the limitation of governmental power. These approaches enable the research to distinguish between authority exercised on the basis of regional administrative law and authority exercised within the framework of criminal law (Marzuki, 2017).

The legal materials consist of primary and secondary legal materials. Primary legal materials comprise the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning

the Criminal Code, Law Number 23 of 2014 concerning Regional Government, Government Regulation Number 16 of 2018 concerning the Civil Service Police Unit, and other relevant legislation and judicial decisions. Secondary legal materials include scholarly books, journal articles, research reports, and other academic publications relevant to governmental authority, Satpol PP, public-order enforcement, and the criminalisation of cohabitation. Legal materials are collected through library research by identifying, examining, and systematically organising authoritative legal sources and relevant scholarly literature. The selection of legal materials is directed towards sources capable of clarifying both the normative basis of Satpol PP authority and the legal consequences of Article 412 for the exercise of such authority (Amalia et al., 2016).

The collected legal materials are analysed qualitatively through deductive legal reasoning. The analysis begins with the general legal framework governing governmental authority and the institutional position of Satpol PP, followed by an examination of the specific provisions governing cohabitation under Article 412 of the Criminal Code. The analysis then identifies the relationship between administrative enforcement of Regional Regulations and Regional Head Regulations and criminal-law enforcement under Article 412. Particular attention is given to the source of authority, the object and purpose of enforcement, the procedural requirements, and the limits applicable to Satpol PP when an alleged act of cohabitation is encountered in the course of public-order operations. Through this analytical structure, the research formulates a normative distinction between legitimate administrative action within Satpol PP's statutory authority and criminal enforcement that must be exercised by institutions possessing the relevant authority under criminal procedural law.

Results and Discussion

The Legal Position and Institutional Authority of Satpol PP in Maintaining Public Order

The Civil Service Police Unit (Satpol PP) occupies a distinctive institutional position within Indonesia's regional government structure. Unlike the Indonesian National Police, which exercises a national function in maintaining security and public order and in law enforcement, Satpol PP constitutes a regional apparatus whose authority is principally connected to the implementation of regional governmental affairs. Article 255 of Law Number 23 of 2014 concerning Regional Government establishes Satpol PP as a regional apparatus formed to enforce Regional Regulations (Peraturan Daerah or Perda) and Regional Head Regulations (Peraturan Kepala Daerah or Perkada), organise public order and public peace, and provide community protection. This statutory position

demonstrates that Satpol PP is not merely an auxiliary enforcement body but an institutional component of regional government whose authority is specifically designed to support the exercise of regional autonomy. Government Regulation Number 16 of 2018 subsequently provides the detailed institutional framework for its organisation, duties, functions, authority, coordination, supervision, and human resources (Law Number 23 of 2014, 2014; Government Regulation Number 16 of 2018, 2018).

The institutional character of Satpol PP is further reflected in its position as part of the regional apparatus accountable within the structure of regional government. Its principal mandate is not derived from a general policing power, but from powers expressly conferred by legislation and implemented through regional regulations and policies. Government Regulation Number 16 of 2018 identifies three principal duties: enforcing *Perda* and *Perkada*, maintaining public order and public peace, and providing community protection. Its functions include formulating enforcement programmes, implementing policies, coordinating enforcement with relevant institutions, supervising compliance with *Perda* and *Perkada*, and carrying out other functions assigned in accordance with law (Government Regulation Number 16 of 2018, 2018, arts. 5–6). This construction is important because the institutional identity of Satpol PP is determined by the object and legal source of its authority. Its intervention is therefore legally connected to regional regulatory objectives and the maintenance of public order rather than to an unrestricted mandate to investigate all conduct that may constitute a criminal offence under national criminal law.

The authority granted to Satpol PP under Government Regulation Number 16 of 2018 confirms this limited but significant character. Satpol PP may undertake non-judicial enforcement against individuals, government officials, or legal entities that violate *Perda* or *Perkada*; take action against conduct that disturbs public order and public peace; conduct investigations into suspected violations of *Perda* or *Perkada*; and undertake administrative measures against violations of regional regulations (Government Regulation Number 16 of 2018, 2018, art. 7). The wording of these provisions is significant because the authority to investigate is expressly connected to suspected violations of *Perda* and/or *Perkada*. Accordingly, the existence of investigative powers within Satpol PP cannot automatically be interpreted as conferring a general criminal investigative jurisdiction equivalent to that of the police. The legal boundary is therefore established by the source and object of the authority: where the alleged conduct constitutes a violation of a regional regulation within the statutory competence of Satpol PP, the Unit may exercise the powers provided by law; where the

matter concerns an offence under national criminal law, the existence of a Satpol PP enforcement function does not, by itself, create an independent authority to conduct criminal proceedings.

The distinction between Satpol PP and the police is consequently essential to understanding the scope of its institutional authority. Although both institutions may become involved in maintaining public order, their legal mandates are not identical. Satpol PP primarily operates within the sphere of regional regulatory enforcement and public-order administration, whereas the Indonesian National Police possesses a broader national mandate encompassing the maintenance of security and public order, law enforcement, protection, guidance, and service to the public. Previous legal scholarship has accordingly emphasised that the two institutions may operate in the same factual environment while exercising different forms of authority (Yushantini, 2020). The distinction is not merely organisational; it reflects a division of legal competence. Treating Satpol PP as if it possessed the same criminal-law authority as the police would risk expanding administrative authority beyond the statutory basis upon which it was conferred.

At the same time, the administrative character of Satpol PP authority does not mean that its enforcement function is purely preventive or devoid of coercive consequences. The statutory framework permits Satpol PP to undertake non-judicial enforcement and administrative measures, including action against conduct that interferes with public order and public peace. The exercise of such powers, however, remains subject to legal standards, operational procedures, and institutional accountability. Government Regulation Number 16 of 2018 requires the implementation of Satpol PP duties and authority to be supported by appropriate procedures and professional standards, while more recent scholarship has continued to stress the importance of legality, proportionality, and accountability in the exercise of Satpol PP discretion (Tresnowaldi et al., 2024). This is particularly relevant where enforcement activities enter spaces in which public-order concerns intersect with individual conduct. The existence of a public-order objective does not remove the requirement that every intervention be connected to a lawful source of authority and remain proportionate to the regulatory purpose pursued.

The institutional framework also recognises coordination between Satpol PP and other law-enforcement institutions. In enforcing *Perda*, Satpol PP acts as coordinator of Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil* or *PPNS*) within the regional government and may coordinate with the Indonesian National Police, the Indonesian Prosecutor's Office, the courts, and other relevant institutions (Government Regulation Number 16 of 2018, 2018, art. 8). Such coordination is particularly important in circumstances where conduct initially encountered through

regional administrative enforcement may potentially involve a separate criminal offence. The existence of a coordination mechanism indicates that Indonesian law does not conceptualise Satpol PP as an institution operating independently from the broader law-enforcement system. Rather, its institutional role is situated within a differentiated framework in which administrative enforcement, regional regulatory enforcement, and criminal-law enforcement must remain within their respective legal boundaries. Consequently, the legal position of Satpol PP in maintaining public order should be understood as a form of constitutionally and statutorily constrained regional authority: sufficiently broad to enforce regional norms and maintain public order, but not so broad as to transform the Unit into a general criminal-law enforcement institution.

The Scope of Satpol PP Authority in Handling Alleged Cohabitation under Article 412

The enactment of Article 412 of Law Number 1 of 2023 concerning the Criminal Code (KUHP) introduces a new legal dimension to the regulation of cohabitation in Indonesia. Article 412 paragraph (1) criminalises living together as husband and wife outside marriage and provides a maximum imprisonment of six months or a fine of category II. More importantly for law enforcement, paragraph (2) establishes the offence as a complaint-based offence (*delik aduan*), under which prosecution may only proceed following a complaint by the husband or wife of a person who is married, or by the parent or child of a person who is unmarried (Law Number 1 of 2023, 2023, art. 412(1)–(2)). The provision therefore does not establish a general public offence that may be prosecuted solely on the initiative of law-enforcement authorities. Its enforcement is deliberately conditioned upon a legally recognised complaint, which places an important limitation on state intervention in matters involving private domestic relationships (Kurniawan et al., 2025).

From the perspective of Satpol PP, the existence of Article 412 does not automatically expand the Unit's statutory authority into the sphere of general criminal enforcement. Satpol PP derives its principal authority from Article 255 of Law Number 23 of 2014 concerning Regional Government, which establishes the Unit as a regional apparatus responsible for enforcing *Perda* and *Perkada*, maintaining public order and public peace, and providing community protection (Law Number 23 of 2014, 2014, art. 255(1)–(2)). Government Regulation Number 16 of 2018 further specifies that Satpol PP may conduct non-judicial enforcement, take action against conduct that disturbs public order and public peace, conduct investigation into alleged violations of *Perda* and/or *Perkada*, and impose administrative measures in accordance with the applicable legal framework

(Government Regulation Number 16 of 2018, 2018, arts. 5–7). Consequently, the mere existence of conduct corresponding factually to the elements of Article 412 cannot, by itself, constitute a sufficient legal basis for Satpol PP to exercise criminal investigative or prosecutorial powers. The source of authority remains decisive in determining the permissible scope of intervention (Ermansyah, 2023; Muklis, 2026).

A distinction must consequently be drawn between discovering conduct that may constitute cohabitation and enforcing Article 412 as a criminal offence. Satpol PP may encounter persons living together during operations directed at maintaining public order, enforcing a Perda, monitoring public spaces, or responding to reports concerning disturbances of public order. An encounter of that nature may generate information indicating that conduct potentially falls within Article 412. Nevertheless, factual discovery does not itself establish criminal liability. The statutory elements of Article 412 must be satisfied, and the procedural requirement concerning a complaint must also be respected. Academic commentary on the provision has similarly identified its complaint-based character as a significant mechanism for restricting indiscriminate criminal enforcement and protecting the private sphere (Gusti Muslihuddin Sa'adi et al., 2023). Accordingly, Satpol PP personnel should not equate the discovery of two persons occupying the same residence with proof of the criminal offence contemplated by Article 412.

The procedural character of Article 412 becomes even more significant because the provision requires a complaint from a specifically defined category of persons. A report submitted by neighbours, community leaders, members of the public, or Satpol PP officers themselves does not necessarily fulfil the statutory requirement for prosecution under Article 412 (Law Number 1 of 2023, 2023, art. 412(2)). The distinction matters because public-order complaints and criminal complaints serve different legal purposes. A public complaint may justify preliminary attention to a disturbance of public order, whereas a complaint under Article 412 constitutes a procedural condition for criminal prosecution. Conflating the two could result in an unlawful expansion of enforcement authority, particularly if a general neighbourhood complaint were treated as sufficient to initiate coercive criminal proceedings against an alleged cohabiting couple. The legal architecture of Article 412 instead requires enforcement institutions to distinguish carefully between information concerning a suspected social disturbance and a legally valid complaint capable of triggering criminal proceedings.

Operational intervention by Satpol PP may nevertheless be justified where the circumstances independently fall within its regional regulatory mandate. For example, where a local Perda or

Perkada contains provisions concerning public order, accommodation businesses, licensing, prostitution, nuisance, or other conduct within regional regulatory competence, Satpol PP may enforce those provisions according to the relevant legal framework (Government Regulation Number 16 of 2018, 2018, arts. 7–8). The legal basis for such action, however, would be the applicable Perda or Perkada rather than Article 412 itself. This distinction is particularly important because Article 412 is a provision of national criminal law, whereas Satpol PP’s statutory enforcement mandate is principally structured around regional regulatory enforcement. The existence of an overlap in factual circumstances therefore does not necessarily produce an overlap in legal authority. As Hadjon explains in the broader context of administrative law, the exercise of governmental authority must remain connected to the competence conferred by legislation and cannot be expanded merely because an institution considers an intervention necessary (Ibad, 2021; Tjandra. W, 2016).

Coordination becomes the appropriate legal mechanism when an alleged cohabitation case moves beyond regional administrative enforcement and enters the domain of criminal law. Article 8 of Government Regulation Number 16 of 2018 places Satpol PP as coordinator of PPNS within the regional government in the enforcement of Perda and allows coordination with Polri, the Prosecutor’s Office, and the courts (Government Regulation Number 16 of 2018, 2018, art. 8). Article 9 further distinguishes the investigation of Perda violations from the broader function of Satpol PP by providing that investigations into Perda violations are conducted by authorised investigators and may involve PPNS, including PPNS from the Satpol PP apparatus (Government Regulation Number 16 of 2018, 2018, art. 9). The institutional design therefore favours differentiated enforcement rather than institutional overlap. Where an alleged incident raises a possible offence under Article 412, Satpol PP may communicate relevant information or coordinate with the competent law-enforcement authorities, but such coordination should not be interpreted as an independent delegation of general criminal investigative authority to Satpol PP.

Proportionality and procedural legality become especially important because enforcement of Article 412 involves conduct occurring within the private sphere. Recent scholarship has noted that the criminalisation of cohabitation raises questions concerning privacy, legal certainty, and the possibility of overcriminalisation, particularly because the meaning of “living together as husband and wife” may require careful factual assessment (Sholikah et al., 2023). Other scholarship has emphasised that the complaint mechanism in Article 412 operates as a legal filter against indiscriminate intervention and helps limit the possibility of arbitrary enforcement (Irawan & Iranti,

2025; Ramadhani et al., 2026). From an administrative-law perspective, Satpol PP intervention must therefore be based not merely on an assumption that a particular form of conduct is morally undesirable, but on a concrete legal authority, an identifiable regulatory purpose, and procedures capable of being justified objectively. The principles of legality, proportionality, and accountability consequently operate as important safeguards against transforming a public-order mandate into an unrestricted power to police private relationships.

A legally coherent interpretation therefore places Satpol PP's role in relation to alleged Article 412 offences within a limited and coordinated enforcement framework. Satpol PP may lawfully act when the facts simultaneously constitute a violation of a valid Perda or Perkada or involve an actual disturbance of public order falling within its statutory competence. It may conduct the forms of non-judicial enforcement and administrative action expressly authorised by law and may coordinate with PPNS and other law-enforcement institutions where further legal action is required (Yushantini, 2020). What Satpol PP may not do, merely by relying on its public-order mandate, is independently transform an allegation of cohabitation into a criminal prosecution under Article 412 without satisfying the statutory complaint requirement and the applicable criminal-procedure framework. The distinction preserves both the effectiveness of regional public-order administration and the principle that coercive state power must remain tied to a clearly defined legal competence. In this sense, Satpol PP's authority in handling alleged cohabitation should be understood not as a general power to enforce Article 412, but as a context-dependent administrative and coordination function whose limits are determined by the source, object, procedure, and purpose of the authority conferred by law (Tresnowaldi et al., 2024).

Delimiting Administrative and Criminal Enforcement: The Legal Boundaries of Satpol PP Intervention

A clear separation between administrative enforcement and criminal enforcement is essential to determine the lawful limits of Satpol PP intervention in cases involving alleged cohabitation. Satpol PP is constitutionally and statutorily positioned within the regional government apparatus, with its principal functions directed towards enforcing Perda and Perkada, maintaining public order and public peace, and providing community protection (Law Number 23 of 2014, 2014, art. 255(1)). Its authority therefore cannot be equated with the general law-enforcement authority possessed by Polri. In administrative law, the existence of governmental power is inseparable from its legal source, competence, purpose, and limits (Hasrul, 2013; Suhendi, 2021). An institution may exercise coercive

authority only within the field assigned to it by legislation. Consequently, the fact that Satpol PP encounters conduct that may simultaneously have criminal-law implications does not, by itself, convert its administrative authority into a general criminal-law enforcement power.

Administrative enforcement by Satpol PP is principally connected to the implementation of regional norms and the exercise of regional governmental functions. Government Regulation Number 16 of 2018 grants Satpol PP authority to undertake non-judicial enforcement, take action against persons who disturb public order and public peace, conduct investigations into suspected violations of Perda or Perkada, and undertake administrative measures in accordance with the applicable legal framework (Government Regulation Number 16 of 2018, 2018, arts. 5–7). The scope of these powers demonstrates that Satpol PP possesses more than a purely symbolic or preventive role; it has legally recognised coercive powers. Their exercise, however, remains attached to the regulatory object for which those powers were granted. Hadjon and his colleagues emphasise that governmental authority must be exercised within the limits established by the legal order, because the principle of legality requires a correspondence between the authority exercised and the competence conferred by law (Rosadi & Putra, 2025; Yumna, 2023). Satpol PP therefore cannot rely upon the general objective of maintaining public order to create powers that legislation has not expressly or implicitly assigned to it.

The boundary becomes more pronounced when administrative intervention encounters conduct potentially constituting an offence under Article 412 of the Criminal Code. Article 412 regulates living together as husband and wife outside marriage and provides criminal sanctions, but paragraph (2) expressly restricts prosecution through a complaint mechanism (Law Number 1 of 2023, 2023, art. 412(1)–(2)). The offence consequently occupies a distinctive position within Indonesian criminal law because the state does not obtain an unrestricted mandate to prosecute solely from the existence of conduct corresponding to the statutory elements. A complaint must originate from the persons specifically identified by law (Gusti Muslihuddin Sa’adi et al., 2023). From this perspective, the discovery of alleged cohabitation during a Satpol PP operation cannot automatically be treated as the commencement of a criminal investigation. Criminal liability requires not only factual correspondence with the offence but also compliance with the procedural conditions established by the Criminal Code and the criminal-procedural system.

The distinction between discovering a potential offence and possessing authority to investigate that offence is therefore critical. Satpol PP officers may encounter two individuals in circumstances that appear consistent with cohabitation while conducting patrols, inspections, or

enforcement operations based on a *Perda* or *Perkada*. Such circumstances may justify further administrative verification where the relevant regional regulation provides a lawful basis for doing so. They do not, however, eliminate the requirement to establish each element of Article 412 or the requirement for a legally valid complaint. Treating an administrative encounter as sufficient authority to initiate coercive criminal proceedings would effectively collapse the distinction between administrative and criminal jurisdiction. Scholarly analysis of Satpol PP has similarly stressed that the exercise of enforcement powers must remain connected to the statutory source of authority and the procedural framework governing its exercise (Tresnowaldi et al., 2024). The legality of intervention consequently depends not merely on what officers discover but on what the law authorises them to do with that information.

A different legal situation arises where the same factual circumstances also constitute a violation of a valid *Perda* or *Perkada*. Regional regulations may establish rules concerning public order, accommodation, licensing, nuisance, prostitution, or other matters falling within regional governmental competence (Government Regulation Number 16 of 2018, 2018, arts. 7–8). Where a violation of such a regulation is independently established, Satpol PP may take the administrative or non-judicial measures authorised by the relevant legal framework. The legal foundation of that intervention is the regional regulation, not Article 412. This distinction is crucial because a national criminal provision cannot simply be transformed into an indirect source of regional administrative authority. One factual event may generate consequences under different legal regimes, but each consequence must have its own legal basis. As Indroharto explains in relation to administrative competence, the validity of governmental action is closely connected to whether the authority has been exercised within the competence legally attributed to the relevant organ (Yeria et al., 2020).

Criminal-law implications require a separate institutional pathway. Government Regulation Number 16 of 2018 recognises coordination between Satpol PP, PPNS, Polri, the Prosecutor's Office, courts, and other relevant institutions in the enforcement of regional regulations (Government Regulation Number 16 of 2018, 2018, art. 8). Coordination serves precisely to prevent the institutional boundaries of regional administrative enforcement from being confused with the broader criminal justice system. Satpol PP may convey information obtained lawfully in the course of its duties, coordinate with authorised investigators, or continue exercising its own administrative powers where a *Perda* or *Perkada* is involved. Such coordination does not amount to a transfer of general criminal investigative jurisdiction. Yushantini's analysis of Satpol PP and Polri likewise demonstrates that the two institutions may encounter the same public-order situation while

remaining subject to different sources, functions, and limits of authority (Rosadi & Putra, 2025). Institutional cooperation should therefore reinforce, rather than dissolve, the division of legal competence.

Protection of individual rights provides an additional reason for maintaining this boundary. Allegations of cohabitation may concern conduct occurring within the private sphere and may consequently affect privacy, personal autonomy, reputation, and family relationships. Academic discussions of Article 412 have identified precisely these tensions between public morality, criminalisation, privacy, and legal certainty (Irawan & Iranti, 2025; Kurniawan et al., 2025). The complaint mechanism contained in Article 412 may accordingly be understood as a legislative device that limits the circumstances in which criminal law can intervene in intimate relationships (Gusti Muslihuddin Sa'adi et al., 2023). For Satpol PP, the implication is that a general public-order mandate cannot be treated as a blanket justification for intrusive intervention into private conduct. Any measure adopted must have a clear legal basis, pursue a legitimate regulatory purpose, and remain proportionate to that purpose. The principle of proportionality is particularly important where administrative coercion risks producing consequences comparable to criminal enforcement despite the absence of the procedural safeguards required by criminal law.

A coherent legal construction therefore places Satpol PP within a bounded and differentiated enforcement framework. Administrative authority permits intervention where conduct falls within the enforcement of a valid Perda or Perkada or constitutes a disturbance of public order within the statutory competence of Satpol PP (Suhendi, 2021). Criminal enforcement under Article 412 belongs to a different legal domain and requires fulfilment of the offence's substantive elements, the statutory complaint requirement, and the procedural competence of the authorised criminal-law institutions. Satpol PP may consequently encounter and respond to circumstances associated with alleged cohabitation, but it cannot use its regional public-order mandate as an independent legal basis for transforming that encounter into criminal prosecution. The decisive boundary lies not in whether Satpol PP encounters potentially criminal conduct, but in whether the particular intervention is supported by a valid source of authority, directed at an object within that authority, carried out through the prescribed procedure, and proportionate to the lawful purpose pursued. Such a construction preserves the effectiveness of regional public-order administration while preventing the expansion of administrative power into an area reserved for the criminal justice system.

Conclusion

The analysis demonstrates that Satpol PP possesses a legally recognised but institutionally limited authority in responding to alleged cohabitation under Article 412 of the Criminal Code. Its primary mandate derives from the regional-government framework, particularly Law Number 23 of 2014 and Government Regulation Number 16 of 2018, which authorise Satpol PP to enforce Perda and Perkada, maintain public order and public peace, and exercise specified enforcement powers. Such authority does not amount to a general criminal-law mandate. The institutional position of Satpol PP must therefore be distinguished from that of Polri and other criminal justice institutions whose powers derive directly from the national criminal-law and criminal-procedural framework. The central finding is that the occurrence of conduct potentially falling within Article 412 does not, by itself, expand Satpol PP's statutory competence into the domain of criminal investigation.

Article 412 reinforces this boundary through its complaint-based prosecution mechanism. Alleged cohabitation may be encountered during a legitimate regional public-order operation, but the discovery of such conduct does not automatically satisfy the substantive and procedural requirements for criminal enforcement. Satpol PP may intervene where an independent legal basis exists under a Perda, Perkada, or another statutory provision within its competence; however, any subsequent criminal-law response must be channelled through the institutions and procedures authorised by criminal law. The distinction between administrative discovery and criminal investigation consequently serves as a safeguard against the conflation of regional regulatory enforcement with criminal prosecution. Maintaining this distinction also protects legality, institutional accountability, proportionality, and individual rights, particularly because Article 412 concerns conduct situated partly within the private sphere.

A legally coherent approach therefore requires Satpol PP intervention to be assessed through four cumulative parameters: source of authority, institutional competence, procedural legality, and proportionality of the measure adopted. These parameters provide a framework for preventing public-order powers from becoming an indirect mechanism for extending regional administrative authority into criminal enforcement. The appropriate legal model is not to exclude Satpol PP entirely from matters involving alleged cohabitation, but to recognise its role within a differentiated enforcement system in which administrative intervention remains available where independently authorised, while criminal investigation and prosecution remain subject to the competence and procedural safeguards of the criminal justice system. This boundary is essential to preserving both the effectiveness of regional governance and the rule-of-law principle that every exercise of state

coercion must remain traceable to a lawful authority and confined to the institutional limits established by legislation.

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