

# Efforts To Combat Crimes with Violence by The Police

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**Abstract.** This paper will describe the efforts of the police in overcoming violent crimes by the police. This paper is a normative juridical study using literature studies as data collection. From the descriptive analysis, it was found that preventive efforts were carried out through community participation, accompanied by regular patrols in crime-prone locations.

**Keywords:** Crime, Violence, Police

## 1 Introduction

Indonesia is a country based on the law (Rechstaat) and not based on mere power (machstaat). Indonesia is also a democratic country. A typical democratic government is the "Rule of Law," or the State of Law (Rechtstaat). However, this principle of the rule of law is often not in line with the facts, due to the criminal actions of a few irresponsible people [1]. Most of the perpetrators of theft with violence are carried out by more than one person or in groups where each actor has a different role and task. The impact of the crime of theft with violence or the threat of violence is causing injuries, both minor and serious injuries, or death, in addition to experiencing physical losses, the victim also suffers material and psychological losses, therefore the crime of theft with violence cannot be categorized as a light crime. The modus operandi of the perpetrators of the crime of theft with violence is carried out with various modus operandi by looking at the place or location to be targeted and planning for theft with violence or threats of violence is carried out in a planned and organized manner.

The investigation is a series of investigative actions in terms of and according to the method regulated in this law to seek and collect evidence with which evidence makes clear the criminal act that occurred and to find the suspect [2]. The definition of the investigator is a state police official of the Republic of Indonesia or certain civil servant officials who are given special authority by law to conduct investigations [3].

"Along with the development of technology as well as increasingly advanced times and increasing human needs, unconsciously following the development of society itself. Crime or crime in various forms and patterns, both in quantity and quality harms the implementation of development. To create a just and prosperous society, the problem of crime needs serious attention from all parties. So good cooperation is needed between the government and the community so that the intensity of the crime that cannot be eliminated can be reduced as much as possible. The crime of theft is one of the crimes that often occurs, there is a lot of news in various mass media, both electronic media and print media. The criminal act of theft is usually

motivated by the daily living conditions of the perpetrator, for example, the economic situation or the level of income which is relatively low so that it cannot meet the costs of daily living needs and is influenced by a low level of education.”

Generally, the theft crimes that often occur in Indonesia are ordinary theft, and theft with weight, then followed by violent theft, including muggings and robberies, thuggery, murder, fraud, and followed by crimes of decency. Various crime cases in Indonesia continue to increase every year. Data on crime cases in Indonesia for the last four years, namely in 2010 the number of criminal cases was 332,490 cases, in 2011 it increased to 347,605 cases, in 2012 it decreased by 316,500 cases, and in 2013 crime cases also decreased by 305,708 cases, but In 2014 (January – November 2014) the number of crime cases increased again to 314,258 cases and is expected to continue to grow until the end of December 2014.

Indonesia accepts law as an ideology to create order, security, and prosperity for its citizens. Development and legal reform efforts in Indonesia can run well if there is a good role for law enforcement agencies or institutions. The role of law enforcement agencies is needed both in law enforcement to maintain security and public order as well as to provide protection, shelter, and services to further increase legal awareness in people's lives [4].

Law enforcement agencies are justice enforcement agencies in society, institutions where people need and seek justice [5]. The Indonesian National Police (POLRI) is one of the law enforcement agencies directly responsible for the President. The main tasks of the National Police are regulated in Law Number 2 of 2002 concerning the Indonesian National Police, among others, to maintain public security and order, enforce the law, and provide protection, protection, and services to the community.

The law is the whole of the rules or regulations in common life that can be enforced with a sanction. Criminal law is part of the overall law that applies in a country, which provides the basics and rules for:

- a. Determining which acts cannot be done and which are prohibited, accompanied by threats or sanctions in the form of exact penalties for anyone who violates the prohibition.
- b. Determine when and in what cases those who have violated the prohibitions can be imposed or sentenced as threatened.
- c. Determine in what manner the imposition of the penalty can be carried out if there is a person suspected of having violated the prohibition [6].

Article 365 concerning the crime of theft with violence, which reads:

- a. Threatened with a maximum penalty of nine years, theft preceded, accompanied, or followed by violence or threat of violence, against a person, with intent to prepare for or facilitate theft, or in case of handcuffs, to enable the escape of oneself or other participants, or to control the goods he stole.
- b. Threatened with imprisonment for a maximum of twelve years:
  - 1) If the act is committed at night in a house or in the enclosed yard where the house is located, on a public road, or in a running train or tram.
  - 2) When an act is performed by two or more persons in the association.
- c. If the act results in death, then imprisonment for a maximum of fifteen years.
- d. Threatened with the death penalty or life sentence or imprisonment for some time, a maximum of twenty years, if committed by two or more persons in association, also accompanied by one of the things described 1 and 3.

The crime of aggravating theft or theft with violence as regulated in Article 356 is also a theft with qualifications or constitutes a theft with aggravating elements. Thus, what is regulated

in this article is only one crime, and not two crimes consisting of the crime of 'theft' and the offense of 'violation of people' [7]. It should be noted that where it is determined that a person may be seriously injured or die, it does not matter who is seriously injured or dies, as long as the severe injury or death is a direct result of the crime of theft with violence.

There are several categories of theft as regulated in the Criminal Code (KUHP), including theft with violence or commonly known as *begal* which is rife. Violent theft dominates the crime rate in Lubuklinggau City throughout 2016. It was recorded that as many as 89 cases occurred in the jurisdiction of the Semarang police station [8]. In 2017 the Semarang Police managed to uncover a total of 105 cases of violent theft (*curas*), motor vehicle theft (*curanmor*), gambling, and extortion, during Operation *Ketupat*. From the results revealed by the Semarang Police, the crime of robbery with violence dominated during the operation in Semarang. Meanwhile, in 2018 the Semarang Police managed to uncover 138 cases of violent theft. In 2019, from January to March, 19 cases of violent theft were revealed in the Semarang Police Resort area.

Each research will have a theoretical framework that becomes a reference and aims to identify the social dimensions that are considered relevant by researchers. Theoretical frameworks are concepts that are abstractions from the results of thoughts or frames of reference which aim to conclude social dimensions that are considered relevant for research [9].

### **Crime Prevention Theory**

To tackle crime, there are two ways, namely preventive (preventing before the occurrence of crime) and repressive measures (business after the crime). The following describes each of these efforts:

#### **a. Preventive Action**

Preventive action is an action taken to prevent or maintain the possibility of a crime occurring. According to A. Qirom Samsudin M, taking preventive action, preventing crime is better than educating criminals to be good again, because not only does this take into account the cost aspect, but this effort is easier and will get satisfactory results or achieve the goal and control of crime by trying to create: [10].

- 1) Good organizational system and police equipment
- 2) An objective justice system
- 3) Good law (legislation)

#### **b. Repressive Action**

Repressive actions are all actions taken by law enforcement officials after the occurrence of a criminal act. Repressive measures are more focused on people who commit criminal acts, which is among others, by providing a law (criminal) that is commensurate with their actions. This action can also be seen as a precaution for the future come. This repressive crime prevention is also carried out with rehabilitation techniques. Then the best crime prevention efforts must meet the following requirements:

- 1) Good Police system and operation
- 2) Effective judiciary
- 3) Coordination between law enforcement and government officials who are compatible
- 4) Community participation in crime prevention
- 5) Monitoring and preparedness for possible crimes
- 6) Development of community organizations [7]

### **Theory of Factors Affecting Law Enforcement**

According to Soerjono Soekanto, several factors influence law enforcement to combat crime, namely: [11]

- a. The legal factor itself is that there is a possibility of a discrepancy in the laws and regulations regarding certain areas of life. Another possibility is the incompatibility between the legislation and the unwritten law or customary law, sometimes the discrepancy between written law and customary law, and so on.
- b. Law enforcement factors, namely One of the keys to success in law enforcement is the mentality or personality of the law enforcers themselves. Law enforcers include judges, police, prosecutors, defenders, correctional officers, and so on.
- c. Factors of facilities or facilities that support law enforcement, such as including educated and skilled human workers, good organization, adequate equipment, and sufficient finances. The lack of adequate facilities causes law enforcement will not run properly.
- d. Community factors, namely the most important part in determining law enforcement is public legal awareness. The higher the legal awareness of the community, the more possible good law enforcement will be. On the other hand, the lower the level of public legal awareness, the more difficult it will be to implement good law enforcement.
- e. Cultural factors, namely culture as a result of work, creativity, and taste based on the human initiative in social life. Indonesian culture is the basis of the application of customary law so the enactment of the written law must reflect the values that form the basis of customary law.
- f. Theft is the act of taking someone else's property without permission or in a way that is illegal to be owned against the law.[12]

## **2 Research Methods**

The research was conducted using empirical juridical methods. The approach taken is not only adhering to the juridical aspect but with the help of other social sciences. Juridical itself is a research method that adheres to the law, applicable laws and regulations, legal theory, and the opinion of legal scholars, namely research on secondary data (law in the books). Empirical refers to real things and applications in society, namely primary data research (law in the action).

Normative research methods are supported by empirical data. Normative legal research is legal research that examines written law from aspects of theory, history, philosophy, comparison, structure and composition, scope and material, general explanations from an article by article, formality, and binding power of law but does not bind an applied aspect or implementation [12]. Empirical research is unwritten positive law research regarding the behavior of community members in social life relationships. This study uses the Live Case Study category, which is an approach to a legal event whose process is still ongoing or has not ended.

## **3 Results and Discussion**

### **3.1 The Reality of the Crime of Robbery with Violence**

According to the results of interviews with officers from the Criminal Investigation Unit of the Semarang Police, based on data that reported incidents of violent theft against Alfamart and Indomaret minimarkets in 2013 as many as 8 (eight) cases while in 2014 it rose quite high, namely around 21 cases.

Based on the explanation above, the act of violent theft against Alfamart and Indomaret minimarkets has a fairly high increase, why did the incidence of violent theft increase in 2014, it is partly due to the potential that causes the intention of the perpetrators to commit the theft to develop. It occurs because there are many opportunities to perpetrate theft due to an increase in the emergence of several new Alfamarts and Indomarts along protocol roads or highways and open their businesses for 24 hours.

From the high increase in incidents, both in terms of quantity or number of incidents in 2013 as many as 8 (eight) cases to 21 (twenty-one) cases in 2014, and in terms of quality or quality of the way to commit theft with violence, there was an increase which was initially in In 2013 only using bare hands and sharp weapons, there was an increase in the quality of committing theft by using firearms to facilitate, threaten, even injure employees of Alfamart or Indomaret minimarkets by using firearms.

There has been an increase in the quality of the way perpetrators use sharp weapons, the development of perpetrators using firearms began in January 2014, and the last of these data occurred in October 2014. From these data, it can be seen that the average incident in 2014 was almost every month there was theft with violence. to Alfamart and Indomart minimarkets. So it is necessary to make efforts by the police officers of the Malang Police, especially the Criminal Investigation Unit to minimize events that make restless both business actors, employees, and consumers to create a safe, orderly and comfortable atmosphere in the community in the jurisdiction of the Malang Police.

Then the modus operandi in 2014 was different every month, the average mode of using sharp weapons was very dominant throughout 2014 and in October, the most widely used model was firearms as many as 4 (four) cases, in quantity there was a very high increase compared to 2013. as many as 8 (eight) cases and in terms of quality there was an increase in the modus operandi in October 2014 as many as 4 (four) cases of using firearms. There was progress in the modus operandi, which initially used sharp weapons such as sickles, machetes, and crowbars, and developed as the perpetrators took a step further to carry out their actions using firearms.

### **3.2 Police Efforts in Overcoming the Crime of Theft With Violence**

The efforts made by the Malang Police in terms of prevention are preventive efforts and repressive efforts. The definition of preventive efforts is an effort to prevent crime which is first expected to prevent crime from occurring. There are several preventive efforts made by the Malang Police to tackle the crime of theft with violence in minimarkets as follows: [13].

The National Police in this case the Malang Resort Police invites Alfamart and Indomaret minimarket business actors to jointly conduct coordination meetings as prevention efforts including by:

- a. Limit opening hours.
- b. Use of Security Guard.
- c. CCTV installation.
- d. Close and lock the door after midnight.
- e. Remove the protective jacket (helmet, glasses, hat)
  - 1) Dialogic patrol.
    - Installation of banners calling for Kamtibmas
    - Communication with residents around the minimarket
    - Placement of personnel in minimarkets that are considered vulnerable.
    - Coordination with Pamswakarsa.

In addition to preventive efforts, the Malang Police also carries out repressive measures. Repressive efforts are efforts to overcome conceptually after a crime has occurred. Some of the

repressive efforts of the Malang Police in tackling theft with violence in minimarkets are as follows:

- a. Coordination with other police stations.
- b. Analysis of recidivist data.
- c. Form a special team.
- d. Analysis and evaluation of each incident.
- e. Undercover (disguise).

### **3.3 Obstacles Faced in Overcoming the Crime of Theft With Violence**

The National Police in carrying out their duties to eradicate the crime of theft with violence in minimarkets, some obstacles hinder the performance of investigators to achieve maximum results in preventing and eradicating theft in minimarkets. Some of the obstacles faced came from internal and external factors. Internal factors are factors that come from the Police. While external factors are factors that come from outside the National Police, both from the Government, the community, and the minimarket business actors.

- a. Internal factors include: [14] Lack of police personnel.
- b. The ability of the Police to analyze a case is still lacking.
- c. There is no data on the identity of the perpetrators of theft at the minimarket.
- d. Lack of coordination between Polri and local government agencies regarding minimarket security.

External factors, among others [14]:

- a. The area of Malang Regency.
- b. The number of minimarkets that are open 24 hours.
- c. There is no security officer (security).
- d. The strategic location of the minimarket makes it easier for perpetrators to run away after carrying out their actions.
- e. The quality of CCTV is not optimal so it is hard to assist the identification process.

### **3.4 Efforts Made to Overcome the Obstacles Faced in Combating the Crime of Theft by Violence**

After reviewing the various obstacles faced in the context of overcoming the crime of theft with violence in minimarkets, it is also necessary to know what efforts need to be made to overcome these obstacles. These efforts are divided into two according to the constraints faced by both internal and external factors.

Efforts to overcome obstacles from internal factors include [14]:

- a. Increase the number of members of the National Police in vulnerable areas.
- b. Improving the quality of investigators in uncovering incidents of theft that occur.
- c. Cooperating with other regional police and regional police regarding the identity data of the theft perpetrators in minimarkets.
- d. Improve coordination between the National Police and the Regional Government regarding minimarket security.

Efforts to overcome obstacles from external factors include [14]:

- a. Distribution of Polsek evenly in each Polres.
- b. The government limits the opening hours of minimarkets to 24 hours.
- c. Require minimarket managers to provide security at each minimarket.
- d. Conduct raids and patrols at crime-prone points.
- e. Send CCTV footage to the Police Forensic Laboratory for further analysis.

## 4 Conclusion

The efforts made by the Criminal Investigation Unit of the Semarang Police include preventive and repressive attempts. Preventive efforts include the National Police inviting minimarket business actors to conduct coordination meetings, use of security units, installation of CCTV, closing and locking minimarket doors after midnight, opening jackets and head protection for consumers, conducting dialogical patrols, installing Kamtibmas appeal banners, communicating with residents around minimarkets, placing personnel in minimarkets that are considered vulnerable, and coordinating with Pamswakarsa. To overcome the obstacles faced in overcoming the crime of theft with violence in minimarkets from Internal Factors, namely increasing the number of Polri members in vulnerable areas, improving the quality of investigators in uncovering incidents of a robbery that occurred, collaborating with other regional police stations.

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