

Application of Law and Criminal Accountability Against Violent Theft Offenders

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ABSTRACT

Keywords: Role;
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The components of the wrongdoing of burglary with brutality are referenced in Article 365 of the Lawbreaker Code which should be met, for example in paragraph (1) "followed by violence to facilitate theft", paragraph (2) 1st "the theft was carried out at night", paragraph (2) 2nd "the theft is committed by two or more people together", paragraph (2) 3rd "by breaking or climbing, using fake keys, fake orders, or fake positions", paragraph (2) 4th "theft which caused another person to be seriously injured", paragraph (3) "caused death", paragraph (4) "caused another person to be seriously injured or died which was committed by two or more people together". Application of Law and Criminal Accountability Against Violent Theft Offenders in the Central Java Region. As made sense of in the clarification of the Lawbreaker Code (KUHPidana) in regards to the wrongdoing of robbery, it is recognized by different capabilities, incorporating as specified in Article 365 of the Crook Code, in particular burglary forcibly. Burglary with viciousness is a wrongdoing against property. The savagery committed in the robbery has the motivation behind getting ready or working with burglary or on the other hand assuming got there is a chance for the culprit to escape so the taken thing stays in the possession of the culprit. In law and criminal responsibility to perpetrators of theft with violence in the Central Java region. When analyzed by the formulation of offenses contained in the Criminal Code, the above crimes are included in Article 365 of the Criminal Code. It is because there is no definite understanding in the Criminal Code or other laws regarding what robbery, theft and mugging are, but these three forms of crime fulfill the formulation in Article 365 of the Criminal Code, namely theft by force.

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1. Introduction

Law is inseparable from social life, all individual behavior is regulated by law, both the law that applies in an area or customary law and the law that applies throughout Indonesia (Ulya, 2021). This means that the law is inseparable from the mutual influence of all aspects of society. The implementation of law enforcement in Indonesia must view the law as a system. According to Lawrence M. Friedman, the legal system consists of three components, namely structure, substance, and legal culture (Gardner, 2012), these three components have reciprocity so that they must be linked together to achieve optimal legal objectives.

The capability of regulation for the purpose of social control can't be completely depended upon on the capacity of formal legitimate regulation. Beginning from this issue, Satjipto Rahardjo questions the lawful qualities to control the existence of Indonesian culture today which is substantially more confounded than previously (Sharp et al., 2017). The problem of law violations was exacerbated by the factor of the occurrence of the monetary crisis, which had a major impact on society resulting in a moral crisis in society, difficulty in finding employment opportunities, Termination of Employment Relations (PHK) everywhere, and many unemployed people (Lacey, 2016).

From there it can be seen from the increasing crime and soaring unemployment which affect people's welfare. The low level of social welfare tends to ignore the norms, values, or rules of law that apply. Observing this condition to complement human needs there is a tendency to use all means to fulfill them, either by violating legal norms or by not violating legal norms (Maguire, 2016).

One of the qualities of wrongdoing or wrongdoing that frequently happens in the public arena is robbery. The trouble of the economy permits individuals to track down alternate ways by taking. Inclusion in the broad communications, both print and electronic, shows vacillations in different kinds of robbery violations because of the unfulfilled necessities of life. The culprits of burglary (cheats) can complete their activities in different ways or usual methodology (method for doing wrongdoings) that vary starting with one wrongdoing then onto the next, particularly upheld by the accessibility of offices and foundation to carry out violations today, the *modus operandi* of criminals leads to the advancement of science and technology. One of them is theft by force.

The components of the wrongdoing of robbery with viciousness are referenced in Article 365 of the Lawbreaker Code which should be met, for example in paragraph (1) "followed by violence to facilitate theft", paragraph (2) 1st "the theft was carried out at night", paragraph (2) 2nd "the theft is committed by two or more people together", paragraph (2) 3rd "by breaking or climbing, using fake keys, fake orders, or fake positions", paragraph (2) 4th "theft which caused another person to be seriously injured", paragraph (3) "caused death", paragraph (4) "caused another person to be seriously injured or died which was committed by two or more people together".

To realize a just and prosperous society, the problem of crime needs to receive serious attention from all parties. So good cooperation is needed between the government and the community so that the crime that cannot be eliminated can be reduced in intensity as much as possible. Law is a social institution, which functions

as a tool to regulate society, in the Big Indonesian Dictionary it is defined as "regulations or customs that are officially considered binding and confirmed by the authorities or by the government.

Conduct that isn't by the standards or can be alluded to as a deviation from the concurred standards ends up disrupting the request and tranquility of human existence. Such deviations are generally named by society as an infringement or even a wrongdoing. Wrongdoing in individuals' lives is a social peculiarity that will constantly be looked by each person, society, and, surprisingly, the state (Batuwael, 2020).

The sort of wrongdoing burglary with viciousness is quite possibly of the most successive wrongdoing in the public eye. The wrongdoing of burglary is contained in the second book of the Crook Code (KUHP) and has been grouped into a few sorts of robbery violations. The wrongdoing of robbery is one of the violations that is frequently carried out by culprits with different foundations and inspirations that are the reason. The crime of theft is usually influenced by economic background, conditions of poverty and unemployment can relatively trigger stimuli to commit a crime or crime. As well as other driving factors such as low levels of economic, social, spiritual, and physical well-being. In the Crook Code, the wrongdoing of robbery is recognized by different capabilities incorporating as specified in Article 365 of the Lawbreaker Code, in particular burglary forcibly. Robbery with viciousness is a wrongdoing against property. Viciousness committed in the burglary has the point of planning or working with robbery or on the other hand assuming got there is a chance for the culprit to escape so the taken thing stays in the possession of the culprit. Prevention of crime by using criminal law is the oldest way, as old as human civilization itself (Kadri Husin & Budi Rizki Husin, 2022).

As indicated by Mardjono Reksodiputro, the ideal extent of obligations of the law enforcement framework incorporates: (1) keeping individuals from becoming casualties of wrongdoing; (2) addressing the violations that have happened so the local area is fulfilled that equity has been maintained and the liable have been rebuffed; and (3) attempting so the people who have perpetrated violations don't rehash their activities. The state has taken over the right to prevent and resolve conflicts involving public interests that occur among citizens, especially in criminal law (Yulia, 2017).

In view of the portrayal above, robbery with savagery is directed in Article 365 of the Crook Code. For a wrongdoing to be named a wrongdoing of robbery with brutality, it probably satisfied the components set out in Article 365 of the Lawbreaker Code. The job of Ditreskrimum is monstrous in executing and authorizing the law against the culprits of the wrongdoing of burglary with brutality.

The problem in this paper is how is the application of law and criminal responsibility to perpetrators of criminal theft with violence?

2. Materials and Methods

The strategy utilized recorded as a hard copy this applied paper is a scientific graphic technique, to be specific by utilizing information that obviously depicts the issues straightforwardly in the field, then the examination is completed, and afterward closed to take care of an issue. The information is gathered through perception and writing study to get critical thinking in the paper readiness.

Regulating juridical methodology, in particular the strategy for juridical methodology used to look at issues from a legitimate and legal point of view, namely rules that can be used as a basis for studying problems and their legal consequences, in this case, namely the Criminal Code (Qamar et al., 2017).

The normative juridical approach, is carried out against certain laws and regulations or written law, relating to the Application of Law and Criminal Liability Against Violent Theft Offenders. This study describes the condition of the object under study, namely focusing on regulation and the application of law and criminal responsibility to perpetrators of criminal theft with violence in practice (Hidayati et al., 2022).

3. Results and Discussions

1. The Role of the Semarang Police in Overcoming Narcotics Crime.

The clarification of the Lawbreaker Code (KUHPidana) in regards to the wrongdoing of robbery is separated by different capabilities, incorporating as specified in article 365 of the Crook Code, specifically burglary forcibly. Robbery with brutality is a wrongdoing against property. The savagery committed in the burglary purposed of planning or working with robbery or on the other hand assuming got there is a chance for the culprit to escape so the taken thing stays in the possession of the culprit.

In the police department, criminal acts of theft with violence are called curas in the policy language. Based on interviews with investigators from the Semarang Police, he explained, "The forms of crimes related to curas are robbery, robbery, and mugging. Of the three types of theft, this occurs because of violence against the victim. The crime of theft with violence that occurs is due to the increasing density of the immigrant population, which triggers the vulnerability to theft, besides that other causes make the crime of theft occur, supported by the lack of field jobs that cause unemployment to rise.

When analyzed by the formulation of offenses contained in the Criminal Code, the three categories of crimes above are included in Article 365 of the Criminal Code. It is because there is no definite understanding in the Criminal Code or other laws about what robbery, robbery, and mugging are, but these three forms of crime fulfill the formulation in Article 365 of the Criminal Code, namely theft by force.

No	Cases	2021			2022		
		Report	Finish	%	Report	Finish	%
1.	Theft With Weighting	2.666	1.170	43,9	2.272	1.410	62,1%
2.	Motor Vehicle Theft	1.381	334	24,2	1.400	582	41,6%
3.	Violent Theft	293	177	60,4	269	218	81,0%

According to the data, theft with violence has decreased compared to last year in 2021. It can be seen from reports with 293 reports and 177 completed with a percentage of 60.4%, and in 2022 there were 269 reports of criminal acts of theft with violence and 218 completed with a percentage of 81.0%. Data on criminal theft has seen a decline from last year to 2022, due to the swiftness of police officers in handling criminal acts of theft with violence. Although it cannot be denied, that besides repressive measures, there are other actions such as pre-emptive and preventive.

Countermeasures against the wrongdoing of robbery with savagery can't depend on punitive means in light of the fact that the criminal regulation in its activity has shortcomings/impediments. Shortcomings/impediments in the capacity of criminal regulation in wrongdoing avoidance have been communicated by numerous researchers, including: (Barda Nawawi Arief, 2018)

1. Enforcement of criminal regulation inside the structure of the law enforcement framework can't be anticipated to be the main method for powerful wrongdoing counteraction, remembering that there is a high likelihood that there are culprits of criminal demonstrations who are outside the structure of the law enforcement process.
2. The adequacy of criminal regulation can't be estimated precisely. Regulation is just a single method for social control. Propensities, strict convictions, bunch backing, and dissatisfaction, tension from vested parties, and the impact of popular assessment are more proficient method for directing human way of behaving than lawful authorizations.
3. In results of regulation (gesetz) at times there is *Gezetzliches Unrecht*, to be specific shamefulfulness in the law, while not a couple are found *iibergesetzliches recht* (equity outside the law) in individuals' lives.
4. "...law plays only one regulation and influences human behavior. Moral and social rules, though less explicit and less formal in their nature and content, also play a significant role in society's efforts to control behavior." (Qamar et al., 2017).

Examples of violent theft cases in this study are based on Police Report Number: LP/B/10/X/2017/Res.Sragen/Sek Kedawung, dated 26 October 2017. And Investigation Order Number: Sp.Sidik/300/XI/2017/Reskrim, November 28 2017. The suspect in violent theft with the initials NI alias IAN Bin (Alm) HH. Juridically, the articles that have been violated by the suspect include:

1. Elements of Article 365 paragraph (1) of the Criminal Code: whoever takes merchandise, which are completely or halfway claimed by someone else, with the purpose to unlawfully have, which is gone before, joined or followed by brutality or dangers of viciousness, against an individual with the plan to

getting ready or working with burglary, or in case of being trapped in the demonstration, to empower the departure of oneself or another member, or to hold ownership of the taken property. So that the intended element is fulfilled, namely taking Something Whole Or Part Of The Owners Of Others, With The Intend To Be Owned Against The Law.

2. which is gone before, went with, or followed by viciousness or dangers of savagery against individuals, to plan or work with burglary or in case of being found in the act, to permit themselves or different members to get away, or to hold control of the taken products.
3. shall be rebuffed by a most extreme detainment of twelve years in the event that the demonstration is committed by two people together or by additional accomplices.
4. By a most extreme detainment of twelve years will be rebuffed in the event that the guilty party enters the spot of expressed wrongdoing by tearing open or climbing, or by utilizing a bogus key, a misleading request, or a bogus authority dress.

Based on the facts and discussion above, then against 1). suspect NI Als IN Bin (Alm) HH (arrested), 2) suspect AW als AGUS bin (late) MI (arrested), 3) suspect JP Als JK Bin SN (arrested). 4) suspect YR Als YF bin (late) KN (arrested), 5) suspect NI als HB bin WN (arrested), 6) suspect KL Als TL (arrested dead). demonstrated to have perpetrated the wrongdoing of burglary with brutality, as alluded to in Article 365 passage (1) and section (2) 2e, 3e of the Lawbreaker Code.

The reasons for vicious wrongdoing (robbery) comprise of inner and outside factors. Inner variables are motivations that happen from himself, while outer elements are factors that are made from outside himself, these elements can be supposed to be very complicated and shifted. Social imbalance, monetary disparity, shamefulness, and so forth, are instances of reasons for criminal demonstrations that come from outside themselves.

a. Educational Factors.

The instructive component is one of the persuading factors for an individual to perpetrate a wrongdoing of robbery. This is brought about by their absence of information about things like principles in the lifestyle in the public eye. The degree of training is thought of as one of the elements that impact somebody to do evil (taking), schooling is a method for somebody to realize what is great and what is terrible. What's more, by doing an activity, does the activity have a specific advantage or even make specific issues/hindrances?

b. Individual Factors.

Somebody whose conduct is kindness bring about that individual getting regard from society, yet alternately, in the event that somebody acts gravely, that individual will cause tumult in the public arena. The individuals who have some control over and foster a positive character will actually want to create many great

advantages for themselves as well concerning others. While the individuals who have no control over their character and will quite often be influenced by advancements will keep on being hauled by the current where it will stream. Whether it's positive or negative they will in any case follow it. There are likewise foundations for somebody to carry out a wrongdoing, as referenced above human longing is something that never has a cutoff.

c. Economic Factors.

Neediness is a peculiarity that can't be kept in that frame of mind from getting Indonesia, particularly in the Focal Java district. As of not long ago, there has been no chance to get out to tackle this issue. Monetary issues are the main motivation for culprits of criminal demonstrations of robbery with brutality to complete their activities.

d. Environmental factor.

Notwithstanding monetary elements, ecological variables are one of the elements that impact the event of demonstrations of robbery. Somebody who day to day routines/lives in a climate that upholds burglary, then one day will likewise commit the robbery. Numerous things make the climate a consider the event of a wrongdoing (burglary). For instance, the requirement for relationship with peers, less command over the climate, and relationship with somebody who has some work as a criminal.

4. Conclusion

The clarification of the Crook Code (KUHPidana) in regards to the wrongdoing of robbery is separated by different capabilities, incorporating as specified in article 365 of the Lawbreaker Code, specifically burglary forcibly. Robbery with savagery is a wrongdoing against property. The savagery committed in the robbery has the point of planning or working with burglary or on the other hand assuming got there is a chance for the culprit to escape so the taken thing stays in the possession of the culprit.

When analyzed by the formulation of offenses contained in the Criminal Code, the above crimes are included in Article 365 of the Criminal Code. This is because there is no definite understanding in the Criminal Code or other laws regarding what robbery, robbery and mugging are, but these three forms of crime fulfill the formulation in article 365 of the Criminal Code, namely theft by force. Based on the facts, then against 1). suspect NI Als IN Bin (Alm) HH (arrested), 2) suspect AW als AG bin (late) MI (arrested), 3) suspect JP Als Jk Bin SN (arrested). 4) suspect YRAs YF bin (late) KN (arrested), 5) suspect NI als HB bin WN (arrested dead), 6) suspect KL Als TL (arrested dead) proven to have committed the crime of theft with violence, as referred to in Article 365 paragraph (1) and paragraph (2) 2e, 3e of the Criminal Code, and has fulfilled the elements of a crime.

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