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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Legal Protection for Children Involved in Gangster Violence in Semarang City

Herwansi Tambunan

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: herwansitbn11@gmail.com

Abstract. *Gangsters are a banned group movement that frequently commits crimes in society. This also occurs in the city of Semarang. The high rate of violence perpetrated by gangster groups has put the city's residents at risk. This research uses a non-doctrinal approach. Based on the results, it is understood that obstacles to optimally eradicating cases of violence perpetrated by gangsters in Semarang City include the absence of criminal penalties that can create a deterrent effect for both the founders and organizers of gangster groups and for gangster members who commit violent crimes in the community. There are also limitations in the number of personnel, facilities, and infrastructure for law enforcement, as well as legal mechanisms for handling acts of violence by gangsters. There is also poor community support for efforts to eradicate gangsterism.*

Keywords: *Children; Gangsters; Law; Protection.*



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1. Introduction

The development of criminal activity dynamics in society can be seen in at least two aspects: the emergence of new forms of crime and the increasing number of conventional crimes. Along with the current of globalization, which is marked by the rapid development of science and technology, especially information and communication technology, has given rise to new forms of crime that are complex, transnational, and organized, supported by professional management and sophisticated technology.¹

The emergence of new forms of crime, often referred to as white-collar crime, has not necessarily eliminated conventional crimes such as fraud, embezzlement, rape, assault, robbery, murder, theft, and theft with violence. Among these conventional crimes, there are a number of crimes that have the potential to disrupt security, order, and peace, or cause unrest in society. One such crime is street crime, which is committed by a group of people within a community. Most street crimes are committed by groups of teenagers who are currently attending or have graduated from school. This occurs as a result of social environments and families that no longer seriously instill values of nobility and propriety in social interactions.²

¹Sri Winugroho, Suzanalisa, and Amir Syarifuddin, "A Legal Study of Criminal Acts Committed by Motorcycle Gangs According to Indonesian Criminal Law", *Legalitas*, Volume X, Number 2, 2018, pp. 275-277.

²*Loc, cit.*

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Gangsterit's not a phenomenon that simply appears in society. Rather, it's caused by juvenile delinquency. According to Kartono, "Juvenile delinquency," also known in English as "juvenile delinquency," is a social pathology in adolescents caused by social neglect. As a result of this neglect, adolescents develop deviant behavior. Adolescence is often identified as a period of self-discovery. During this stage, individuals who have just experienced puberty tend to display various emotional turmoil, withdraw from their families, and face various problems at home, school, and in their surrounding environment and social circles. Juvenile delinquency today, as frequently reported in various media, has gone beyond the limits of normality. Many adolescents and minors are already familiar with smoking, drugs, free sex, brawls, theft, and are involved in various other criminal acts that deviate from societal norms and have problems with the law.³ Juvenile delinquency that is growing emotionally or what is often referred to as pathological disorders, if it occurs in a number of teenagers who gather together, will become a trigger for the birth of crimes caused by emotional violence due to the immaturity of adolescent emotions.⁴ This can clearly create dangerous situations for the community, which is often the target of deviant acts of law and norms committed by gangster groups. This can be seen, for example, in the Kreak case in Semarang City. Brutal actions of a group of teenagers and young people sharp weapons on the streets in Semarang City who claim to be the Kreak gang have endangered and disturbed the people of Semarang, their actions are known as gangster or kreak even leading to criminal acts. The perpetrators who are involved in fights or brawl injuring their victims, even resulting in death. One of the victims killed by the Kreak gang was Muhammad Tirza Nugroho Hermawan, 21, a resident of Bandungharjo, Donorejo, Jepara Regency, and a student in Informatics Engineering at Udinus. The victim was attacked with a sharp weapon in front of the 44.501.22 gas station on Jalan Kelud Raya, Bendan Ngisor, Gajahmungkur District.⁵ This clearly contradicts the principle of the rule of law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

2. Research Methods

The type of legal research used is descriptive analytical. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of

³Leonardus Andrew Pramono and Amrizal Siagian, "Analysis of Factors Driving Teenagers to Become Involved in the "Gangster" World in City "X" Reviewed from the Theory of Social Control", *Ikraith-Humaniora*, Vol. 8, No. 2, 2024, pp. 334-335.

⁴*Loc. cit.*

⁵Jawapos, 12 Kreak Youths Arrested Following the Death of a Udinus Student, accessed via <https://radarsurabaya.jawapos.com/nasional/775105253/12-pemuda-kreak-diamankan-buntut-tewasnya-mahasiswa-udinus-semarang>, May 12, 2024.

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social actors as seen in their interactions. The true reality of life does not exist in the empirical realm, which is also the realm of observation, and does not appear in the form of objectively patterned and structured behavior (let alone normative) and therefore can be measured to produce quantitative data. The reality of life actually exists only in the realm of meaning, which appears in the form of symbols that can only be understood after being interpreted. Such realities cannot be easily "captured" through external observation and measurement. These realities can only be "captured" through experience and internal experiences that produce a complete picture of understanding.⁶

3. Results and Discussion

3.1. Legal Protection for Children Involved in Gangster Violence in Semarang City

According to Iptu (Inspector of Police One) Reza Arif Hadafi, STK, SIK, M.Si as Head of Criminal Investigation Unit of Semarang Police, from Semarang Police data from January to September 2024, there were 83 cases of brawls between gangsters where 73 perpetrators had to serve time in prison until trial in court. Meanwhile, around 200 other perpetrators underwent counseling by the police. The rampant brawls have caused many casualties, both from the gangsters themselves and innocent ordinary people. A student at Dian Nuswantoro University (Udinus) Semarang named Muhammad Tirza Nugroho died on September 17, 2024, due to a slash from a sharp weapon by a gangster group while crossing Jalan Kelud, Semarang City. The student is suspected of being the victim of a mistaken target by a gangster group that night who were looking for enemies to brawl with. Firm efforts have been made by Semarang Police to overcome criminal acts by these gangster groups. The Semarang Police Libas application is effective in detecting and supporting the police's rapid response in dealing with these crimes. Numerous public reports of the presence of gangster groups were reported through the Libas app and were immediately followed up. The Libas app even recorded criminal data on arrested brawlers. This legal action was followed up with a declaration of disbandment of the gangster groups, also initiated by the Semarang Police. A total of 19 gangster groups in Semarang City declared the disbandment of the groups that had recently caused unrest among the people of the capital of Central Java Province. Dozens of gangster members declared their disbandment and stopped all forms of gangster activities that disturbed and disturbed public order. Furthermore, the gangster members also apologized to the entire Semarang City

⁶Soetandyo Wignjosoebroto, Law, Paradigm, Method, and the Dynamics of the Problem, HUMA, Jakarta, 2002, p.198.

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community for the negative impacts caused.⁷Then jThe number of cases filed at the Semarang City District Court related to cases of violence committed by children was 78 cases out of cases involving 117 suspects, of which 70 cases were brawls, while 8 cases were bullying with violence.⁸

Gangster cases are also rampant in other areas, including Bandung Regency. A group of people suspected of being members of motorcycle gang committing assaults and assaulting citizens using sharp weapon in Sukawangi Village, Jelegong Village, Kutawaringin District, Bandung Regency. The incident occurred on Saturday, March 9, 2024 at around 23.00 WIB. The incident occurred when the victim named Resta (30), a resident of Cimahi City, was suddenly attacked by the perpetrator and a group suspected of being a motorcycle gang. Then the victim managed to ward off the perpetrators using his hands, but because he used a sharp weapon, the victim suffered injuries to his hands and head. The number of violent crimes committed by gangsters in the West Java region in 2024 was considered the highest compared to other regions such as Bogor 2,794 cases, Karawang 1,461 cases, Purwakarta 1,002 cases. Some of the most common types of crimes include aggravated theft, theft with violence, motorcycle theft, and assault carried out by a group of motorcycle gangsters.⁹

Data from the National Police Criminal Investigation Agency (Bareskrim Polri)'s EMP (Education and Training Center) shows that the number of reported crimes has increased year by year. Since 2019, the National Police have prosecuted 7,024 cases of crimes involving sharp weapons. They have also prosecuted 5,826 reported cases. Increasing numbers of students are involved in crimes involving sharp weapons. In 2019, the total number of reported cases was 451 students (4.4%), and others (95.6%). In 2020, the total number of reported cases was 1,229 students (6.7%), and others (93.3%). In 2021, the total number of reported cases was 1,839 students (9.2%), and others (90.8%). In 2024, the total number of reported cases was 2,237 students (18%), and others (82%). From 2019 to 2024, there was an increase in the number of students involved in crimes using sharp weapons.¹⁰

⁷Interview with Iptu (Police Inspector One) Reza Arif Hadafi as Head of Criminal Investigation Unit of Semarang Police, April 10, 2025.

⁸Interview with AKP Wigiyadi as Head of the Semarang Police Samapta Unit, April 4, 2025.

⁹<https://news.okezone.com/amp/2024/03/13/525/2982442/action-of-motorcycle-gangs-gang-gang-gang-gang-gang-slashed-to-slash-residents-in-soreang-one-culprit-is-secured>, May 14, 2025.

¹⁰https://pusiknas.polri.go.id/detail_artikel/kekerasan_dan_kejahatan_%E2%80%98bersenjata%E2%80%999_lebih_banyak_melibatkan_pelajar_serta_mahasiswa, May 14, 2025.

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3.2. Factors Causing the Birth of Gangsters in Semarang City

a. Family Attention Factor

According to Iptu (Police Inspector One) Reza Arif Hadafi, STK, SIK, M.Si as Head of Criminal Investigation Unit of Semarang Police, the factors behind the rise of gangsters in the city of Semarang are This is due to factors such as lack of parental supervision, economic hardship, low education, and broken relationships. Furthermore, some of them lack the skills to create a healthier environment free from negative influences. Furthermore, social and environmental factors also influence the initial push for someone to join a motorcycle gang. The lack of family supervision and a sense of revenge for failures in their social environment can lead them to project their identity as great or brave. In social control theory, the weaker the bonds between internal factors such as family and friends, and external factors such as society, the more likely they are to follow their desire to break the law. Regarding family factors, instability within the family, such as conflict between parents, divorce, or neglect, can also make adolescents more vulnerable to the influence of gangs. Adolescents may seek substitute relationships outside their families that can provide a sense of security and identity. Gangs often take on this role as "surrogate families."¹¹

b. Peer Influence Factors

The next major factor is peer pressure. In this context, data shows that at least ten individuals became involved in motorcycle gangs due to peer pressure, while others may have chosen to join voluntarily. Several adolescents stated that their reasons for joining were driven by internal motivation. This recognition highlights the important role of social relationships in adolescent identity formation. The presence of peers cannot be ignored, as it often influences individuals' choices in responding to group activities. With a strong identification with a group, individuals tend to adapt their behavior and preferences to fit the norms and styles adopted by that group.¹²

c. Economic Factors

Many "Kreak" perpetrators are school dropouts who have lost their direction and purpose in life. Furthermore, the lack of positive activities or affordable entertainment facilities for young people also encourages them to seek

¹¹Interview with Iptu (Police Inspector One) Reza Arif Hadafi as Head of Criminal Investigation Unit of Semarang Police, April 10, 2025.

¹²*Loc, cit.*

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entertainment in dangerous ways, such as engaging in street violence. The "Kreak" phenomenon actually shares similarities with the "klitih" phenomenon that previously disturbed communities in Yogyakarta and the surrounding areas. Both phenomena involve street violence carried out by groups of young people, aimed at spreading fear or seeking "recognition" from other groups. However, there are differences in the modus operandi and characteristics of the groups involved in each region. Data from the Semarang City Police show that in the past six months, there has been a significant increase in "Kreak"-related street violence. There have been 15 recorded incidents, with the majority of perpetrators under the age of 18. Interviews with several suspects revealed that they were recruited through social connections, particularly in areas with high unemployment rates. The threat of "Kreak" has made Semarang residents increasingly vigilant, especially those who frequently engage in nighttime activities. Several residents expressed feelings of insecurity and anxiety, especially those who work at night, such as online motorcycle taxi drivers and night shift workers. Many have chosen to limit their nighttime activities to avoid the risk of becoming victims.¹³

d. Education Factor

Gangsterism can be caused by a lack of religious instruction, both at home and at school. According to Reza, religious education is a means of instilling values and character in adolescents. It's not just supplementary education, but it can also guide adolescents in channeling their energy. Adolescents need better character development.¹⁴

e. The lack of access to positive activity facilities

The lack of sports facilities, extracurricular activities, and other positive activities can leave teenagers feeling bored or directionless. In this situation, they may seek less positive forms of entertainment. Gangster groups often provide a seductive sense of identity and belonging for teenagers seeking acceptance.¹⁵

f. Pathological Problem Factors in Adolescents

It is important to understand that violent crimes committed by children are acts of delinquency or juvenile delinquency is behavior that reflects errors in educational patterns, both at home and in the community, as well as at school. This problem cannot be assessed from a single aspect, but must involve many

¹³Loc, cit.

¹⁴Loc, cit.

¹⁵Loc, cit.

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aspects, including the individual aspects of the adolescent himself. Essentially, the occurrence of juvenile delinquency indicates a lack of discipline among adolescents towards applicable rules and norms, whether at the family, school, community, or self-norms as an individual, and the instillation of these norms must be given to individual adolescents so that they have a good understanding of these norms. The causes of this delinquency include incorrect parenting patterns, a poor school environment, poor social groups, an uncondusive social and community environment, weak self-control, and adolescent emotional maturity that does not develop according to the adolescent's age level. Therefore, this article attempts to examine the causes of juvenile delinquency and preventative measures, as well as how to improve adolescent discipline from a psychological and Islamic perspective. The report of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which met in London in 1960, stated that there was an increase in the number of juvenile delinquents in the quality of crimes, and an increase in the ferocity and cruelty of these crimes, which were more often carried out in group actions than individual crimes.¹⁶ Facts then show that all types of juvenile crime are increasing in number with the increasing pace of industrialization and urbanization. In rapidly developing industrial cities and large urban areas, crime rates are far higher than in "primitive" societies or villages. And in economically prosperous countries, the level of crime is correlated with the process of industrialization. Therefore, America, as the most economically advanced nation among the world's nations, has the highest number of juvenile crimes; thus, it has the highest level of juvenile crime. Social ills or societal ills are all forms of behavior that are considered inappropriate, violate general norms, customs, formal laws, or cannot be integrated into general behavioral patterns. Social ills are also called social disorganization because their symptoms develop into social excesses that disrupt the integrity and smooth functioning of social organizations. Furthermore, it is also called social disintegration, because one part of the social structure develops out of balance with other parts (for example, members of a tribe, clans, etc.) so that the process can disturb, hinder, or even harm other parts, because it cannot be integrated into a complete totality.¹⁷

Juvenile delinquency does not arise spontaneously in every aspect of life, as it has underlying causes, which are the factors contributing to its occurrence. Initially, criminologists assumed that intent and opportunity significantly influenced the causes of crime or delinquency. Intention is related to both endogenous and exogenous factors.¹⁸ Endogenous factors are factors originating from within the

¹⁶Murdianto, *Social Pathology, Concepts, Theories and Applications*, State Islamic University (UIN) Mataram, Mataram, 2019, pp. 136-149.

¹⁷*Loc, cit.*

¹⁸*Loc, cit.*

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child themselves that influence their behavior, including: first, biological and psychological disabilities. Second, hampered personality and intelligence development, resulting in an inability to internalize prevailing norms. Exogenous factors are factors originating from outside the child that can influence their behavior. According to Walter Luden, the factors that play a role in the emergence of delinquency are as follows:¹⁹

- a. The wave of urbanization of teenagers from villages to cities is quite large in number and difficult to prevent.
- b. The occurrence of conflict between traditional rural customary norms and new norms that are growing in the process and rapid social shifts, especially in big cities.
- c. The fading of individual personality patterns that are strongly linked to traditional social control patterns, so that members of society, especially teenagers, face "vague patterns" in carrying out their behavior.
- d. The development of juvenile delinquency is caused by the negative impact of rapid global changes including knowledge and technology beyond their awareness.

Social and cultural influences play a major role in shaping or conditioning the criminal behavior of adolescents. These adolescents' behavior shows signs of little or no conformity to social norms, with the majority of juvenile delinquents occurring under the age of 21. The highest crime rate occurs between the ages of 15 and 19; and after the age of 22, the number of crimes committed by delinquents declines.²⁰

These juvenile crimes are a byproduct of, first, mass education that does not emphasize character and personality development in children. Second, the lack of effort by parents and adults to instill morality and religious beliefs in young people. Third, the lack of social responsibility in teenagers. Teenagers who commit these crimes generally lack self-control, or abuse it, and like to enforce standards of behavior. Alone, besides belittling the existence of others. The crimes they commit are generally accompanied by mental elements with subjective motives, namely to achieve a certain object with violence and aggression. In general, these young people are very egotistical, and like to abuse or exaggerate their self-esteem. The

¹⁹*Loc, cit.*

²⁰*Loc, cit.*

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motives that drive them to commit crimes and immoral acts include: To satisfy greedy tendencies, Increased aggressiveness and sexual urges, Mis-parenting and mis-education by parents, so that children become spoiled and mentally weak, The desire to gather with friends of the same fate and age, and a love of imitation, Pathological or abnormal innate tendencies, and Conflict itself then using escape mechanisms and irrational self-defense. The total number of crimes committed by these teenagers cannot be known precisely, because cases reported to the police and brought to court are very limited. Only a very small proportion of the number of crimes are known or reported, usually in the form of cruel and very conspicuous crimes in the public eye. Petty crimes are generally not reported, because people are reluctant to deal with the police or authorities, or people feel embarrassed if the incident is revealed.²¹ Juvenile delinquency encompasses all behaviors committed by adolescents that deviate from criminal law norms. This behavior is detrimental to themselves and those around them. Adolescence, as the threshold period for adulthood, presents a period of confusion and difficulty in abandoning previous habits and projecting the impression that they are almost or already adults, such as smoking, drinking alcohol, and using drugs. The family is the primary agent of socialization in shaping a child's personality. Therefore, the family is crucial to a child's life before they enter school, playmates, the workplace, and so on.²²

Based on the existing description, it is clear that child perpetrators of violence who are members of gangs are actually victims of a lack of attention and social education from their families and communities, which leads to children developing violent and deviant attitudes. With the same investigative process as for adult perpetrators of violent crimes, this is clearly unacceptable, considering that children also have the right to receive guidance, education, and adequate living needs. The suboptimal implementation of diversion in cases of violence perpetrated by children in Central Java demonstrates how the law has not been implemented fairly for children. This clearly does not align with the objectives of criminal law, which requires the protection of the rights of criminals. The various factors above indicate the existence of both internal and external influences on every child or adolescent who wants to join a gang and commit a series of acts that violate the law. Therefore, emotional immaturity and a lack of sufficient knowledge of the legal consequences of gang actions that can be subject to criminal sanctions, lead children and adolescents to recklessly and without using common sense to commit a series of gang crimes that are prohibited by law. This situation has resulted in an unstoppable number of gang violence crimes, as the

²¹*Loc, cit.*

²²*Loc, cit.*

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number of members continues to grow. On the other hand, the police are also unable to use harsh legal action to create a deterrent effect, considering that the perpetrators are still minors.²³ This reality makes law enforcement in cases of violence committed by gangsters less than optimal in Semarang City. The next problem in terms of legal framework is the absence of an article in the Criminal Code that regulates gangsters with the intention of breaking the law as a type of crime. The Criminal Code only regulates the actions of gangsters, there is no specific article in the Criminal Code that regulates "gangsters." However, actions often carried out by groups called "gangsters" can be charged with various articles of the Criminal Code, such as assault (Article 170 of the Criminal Code), violence (Article 351 of the Criminal Code), theft with violence (Article 365 of the Criminal Code), or murder (Article 338 of the Criminal Code). If a group of "gangsters" uses violence together against people or property, they can be charged under Article 170 of the Criminal Code, which regulates assault. If a group of "gangsters" commits assault or violence against another person, they can be charged under Article 351 of the Criminal Code. If a gang of "gangsters" commits theft using violence or threats of violence, they can be charged with Article 365 of the Criminal Code. If a gang of "gangsters" commits murder, they can be charged with Article 338 of the Criminal Code. However, perpetrators who are still minors cannot be charged with various provisions of the Criminal Code, but if it is related to a crime of violence, the perpetrator can only be charged with the actions as regulated in Article 79 of the Republic of Indonesia Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which states that:

- (1) Criminal restrictions on freedom are imposed if a child commits a serious crime or a crime accompanied by violence.
- (2) The maximum penalty for restricting freedom imposed on children is 1/2 (one half) of the maximum prison sentence imposed on adults.
- (3) The minimum specific prison sentence does not apply to children.
- (4) The provisions regarding imprisonment in the Criminal Code also apply to children as long as they do not conflict with this Law.

²³Interview with Iptu (Police Inspector One) Reza Arif Hadafi as Head of Criminal Investigation Unit of Semarang Police, April 10, 2025.

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The main problem is that there is no criminal law capable of providing a deterrent effect for members and founders of gangs who violate the law. Therefore, the types of punishments that have been imposed only consider the perpetrators not as gangsters but as criminals in general. Therefore, the status of a member or founder of a gang should be a qualification for aggravating the sentence to create a deterrent effect for gangsters who commit violence in society. Based on the existing explanation, it is clear that legally there is no legal certainty regarding efforts to create a deterrent effect for problematic gangsters who deviate from the law. According to Apeldoorn, legal certainty has two aspects: first, the ability to establish (*bepaalbaarheid*) the law in concrete cases. This means that parties seeking justice want to know the law in specific cases before initiating a case. Second, legal certainty means legal security.

3.3. Gangster Violence According to Islam

Allah SWT also threatens those who commit murder, such as robbers or muggers who kill their victims. Allah Subhanahu wa Ta'ala says:

Whoever kills a believer intentionally, the reward will be (hell) Hell. He remains in it. Allah was angry with him, cursed him, and prepared for him a very great punishment. (QS An-Nisa Verse 93).

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا ﴿٩٣﴾

The prohibition of violent gangster crimes is also mentioned in the Hadith of the Prophet Muhammad SAW:

Abu Hurairah said that Rasulullah SAW said, "You should avoid the seven sins that can lead to destruction." It was said to the Prophet Muhammad SAW, "What are the seven sins, O Messenger of Allah?" Rasulullah SAW answered, "The sin of associating partners with Allah, magic, killing the soul is forbidden by Allah to be killed except by law, consuming the wealth of orphans, consuming usury, running away from the battlefield, and accusing good believing women of adultery." (HR Imam Muslim).

Allah SWT has threatened people who kill with various punishments. First, the person who kills in return is Jahannam, which is one of the names of the names of hell. Second, eternal in it (hell), namely residing in Jahannam for a long time until an unknown time limit, except by Allah SWT. Third, wrath, namely God's wrath towards the person who kills. Fourth, curse, the person who kills is expelled and kept away from the mercy of Allah SWT. Fifth, he will be punished for the sin of

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killing, because the person who kills is the same as violating the purity of a Muslim and flowing his blood without haq. Islam, as a religion that is rahmatan lil'alamin, teaches its followers to always create peace and avoid violence in all aspects of life. Anti-violence education is taught and conveyed in the Al-Qur'an including: QS. Ali Imran verse 159, QS. Al-Maidah 132, QS. Al Anbiya' verse 107

Nonviolent education can also be called peace education, an education that is carried out wholeheartedly, educating, not lecturing. The desire to achieve the goal of peaceful education can be achieved by, among other things, understanding the causes of violence in society, understanding the social conditions that can lead to violent behavior, and examining the violent atmosphere that can give rise to violent behavior. Through this nonviolent education, according to Islam, every human being will understand the importance of living in harmony and respecting and protecting each other.

The various issues underlying the rise of gangsterism, as explained above, clearly constitute serious crimes, considering that the founders of gangster groups exploit others, even children and teenagers, for profit by turning their members into perpetrators of violence, extortion, theft, and murder. This is clearly far from a sense of justice. In relation to upholding justice for all people, law enforcement must have the primary goal of creating legal justice, in addition to legal certainty and legal benefits. Justice is the measure that must be used in treating objects, namely humans. Therefore, this measure cannot be separated from the meaning of humanity. Therefore, our morality is the object, considering us as humans, as the measure in treating others. Justice is also understood as a state of mind or attitude that questions human mentality. A person can only act justly if they possess certain mental characteristics. In other words, justice is not something that can be manipulated through logic or reasoning, but rather involves the whole person.

The concept of restorative justice in Islamic criminal law. Considered in mind ideas, including:²⁴

- a. Prioritizing victim-oriented rather than solely offender-oriented approaches by involving the victim and their family in resolving criminal cases demonstrates similarities to the essence of qisas-diyat. In Islam, scholars explicitly state that rights in Islamic criminal law are divided into the rights of God and human rights. In qisasdiyat, the victim's rights are greater than the

²⁴Ila Latifa Fitriani, *Islam and Restorative Justice for Children in Conflict with the Law*, (published thesis, Faculty of Sharia and Law, Sunan Kalijaga State Islamic University, Yogyakarta), 2012, pp. 127-128.

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rights of God (the rights of the state/society), thus providing alternative solutions with the options of qisas, diyat, or expiation. The concept of qisas-diyat, seen in modern criminal law regulations for crime victims, falls into the category of service models.

- b. Restorative justice resolution involves non-penal channels. This effort is carried out through a peace process between the victim and the perpetrator. According to the message of Caliph Umar Ibn Khattab (Riahi al-Qadha), peace can be implemented by adhering to clear guidelines.
- c. Restorative justice achieves justice for all parties, not only realizing legal justice but also considering social justice, individual justice, and moral justice. Justice in Islam encompasses individual justice (al-adalah al-fardiyah) and social justice (al-adalah al-ijtimaiyah). Justice in Islamic law always considers morality, and is not limited to the application of legal justice.

The concept of restorative justice based on Islam essentially aims to lead to the principle of maqasid al-syariah. Viewed from the perspective of God's purpose, maqasid al-syariah contains four aspects, namely:

- a. The aim of sharia is to establish sharia, namely the welfare of mankind in this world and in the hereafter;
- b. The determination of sharia that must be understood;
- c. Determination of sharia as taklifi law that must be implemented;
- d. The establishment of sharia to bring humans under the protection of the law.

In the study of maqashid al-syariah, which assumes that every sharia revealed by Allah always contains benefits for His servants for the present (in this world) and also in the future (in the afterlife), there is not a single law of Allah that does not have a purpose because a law that does not have a purpose is the same as taklif ma la yuthaq (a legal imposition that cannot be implemented).²⁵Based on the existing explanation, it can be seen that restorative justice and the principle of maqashid al-syariah have similarities, namely realizing the welfare, safety, and peace for all groups in society or in its development in the effort to realize the protection of human rights and social welfare as well as social justice for all

²⁵Muhammad Khalid Masud, *Philosophy of Islamic Law*, edited by Ahsin Muhammad, (Pustaka Setia, Bandung, 1996), p. 244.

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Indonesian people, where these two ideas are realized through diversion which is an effort that can be categorized as *ijtihad* if its implementation is also based on Islamic spiritual values.

Based on Islamic studies, it can be seen that there needs to be a balanced idea in realizing the role of criminal law in eradicating violent crimes committed by gangsters in Semarang City. This balanced idea sees that the perpetrators of violence committed by gangsters are mostly remakes who have pathological deviations, so that criminalization is not only solely oriented towards severe punishment of the perpetrators but must also look at the age position of adolescents where severe crimes will damage their future as the nation's successors.

4. Conclusion

Internal constraints optimizing the eradication of cases of violence committed by gangsters in Semarang City, which consists of Obstacles include the absence of criminal penalties that could create a deterrent effect for both the founders and organizers of gangster groups and for gangster members who commit violent crimes in the community. Limited numbers of personnel, facilities, and infrastructure for law enforcement and legal mechanisms for handling violent acts by gangsters. Poor community support in efforts to eradicate gangsterism.

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