

Law Enforcement Against the Criminal Acts of Murder in Jurisdiction Metro Jaya Regional Police

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Abstract. *The purpose of this research is to find out and analyze; 1) implementation of law enforcement against the crime of mugging in the jurisdiction of the Metro Jaya Regional Police; and 2) formulation of formal law enforcement against the crime of mugging in the jurisdiction of the Metro Jaya Regional Police. The approach method used is sociological juridical, meaning that the method or procedure used by the author is to go directly to the field to obtain updated primary data related to the research topic, namely data regarding law enforcement efforts against the crime of mugging in the jurisdiction of the Metro Jaya Regional Police. Sociological juridical research is conducted by examining the law in reality in society. The results of the study show that: 1) The police as law enforcers are obliged to be responsible for criminal acts committed by members of the mugging group in order to prevent and overcome criminal acts that occur in the jurisdiction they are responsible for through law enforcement. The efforts made by Polda Metro Jaya in enforcing the law on the crime of mugging in the jurisdiction of Polda Metro Jaya are through 2 (two) approaches, namely through preventive efforts and repressive efforts which result in legal sanctions or create a deterrent effect for groups of muggers who have committed crimes; 2) The formulation of law enforcement against the crime of mugging in the jurisdiction of Polda Metro Jaya involves preventive and repressive measures. Preventive efforts include; 1) increasing security by conducting routine patrols, raids, and special operations in areas prone to mugging, especially at night; 2) Counseling and socialization by providing counseling to the community about the dangers of mugging and how to avoid it, as well as increasing legal awareness; 3) Cooperation with the community by forming a voluntary security team, such as FKPM, Pokdar Kamtibmas, and involving community leaders, youth, and religious leaders in prevention efforts, and 4) Supervision and early detection by increasing supervision in areas prone to robbery and conducting early detection of potential criminal acts. Repressive efforts include: 1) Investigation and inquiry by conducting a quick and thorough investigation and inquiry into cases of robbery that occur, by collecting strong evidence; 2) Arrest, namely arresting the perpetrators of robbery based on sufficient evidence; 3) Prosecution, namely prosecuting the perpetrators in court in accordance with applicable legal provisions, and 4) Imposing sanctions, namely giving sanctions appropriate to the perpetrator's actions, including imprisonment and fines.*

Keywords: *Crime; Enforcement; Law.*

1. Introduction

The history of human development has been marked by various human efforts to maintain their lives, through the socialization process built with social interactions that do not always produce positive behavioral patterns but can also give rise to negative things so that it does not rule out the possibility that directly or indirectly it will greatly affect lifestyles in society. Human behavior that experiences changes that are seen as not in accordance with the wishes of society are changes that come from outside and some come from within society itself. The idea that humans are wolves to other humans (*homo homini lupus*) always prioritize themselves and do not prioritize the needs of others.¹

The Indonesian state, founded on Pancasila and the 1945 Constitution of the Republic of Indonesia, regulates the behavior of its citizens to ensure they comply with all legal regulations. A state based on the rule of law requires that the law be upheld, respected, and obeyed by everyone, without exception. This aims to create security, order, and prosperity in the lives of society, the nation, and the state.

Within social interactions, interactions occur daily between members of society. These interactions give rise to various incidents or events that can lead to legal action. This, in turn, influences the increasingly diverse motives for crimes and criminal acts that occur today. Among the many criminal cases currently prevalent and frequently occurring in major cities in Indonesia is mugging.

The perpetrators of muggings have been known to be increasingly reckless, they have started to injure their victims even without putting up a fight. A recent phenomenon occurred when a prospective student (casis) for the Indonesian National Police (Polri) named Satrio Mukti Raharjo (18) was mugged by a gang armed with sharp weapons in Kebon Jeruk, West Jakarta. The victim was mugged on Saturday (11/5) at dawn. At that time he was going to take a psychological test for the National Police (Polri) NCO entrance test. The victim's motorbike was stolen by the perpetrators, while the victim was slashed until his little finger was severed, five perpetrators have now been arrested.² They frequently operate in several locations across the jurisdictions of Tangerang, Depok, Bekasi, and Jakarta. The muggers use knives or machetes to attack their victims and threaten motorcyclists on strategic roads in several locations.

The Jakarta Metropolitan Police (Polda Metro Jaya) issued an ultimatum to muggers in the Jakarta Metropolitan Area and its surroundings. The police stated that they would take firm action against the perpetrators. "This is very disturbing. We are eradicating these muggers and will continue to pursue them. Don't mess around with the perpetrators. We are on the ground 24/7. We will definitely uncover and pursue them," said the Head of Public Relations

¹Deni Achmad and Firganefi. Introduction to Criminology & Victimology, Bandar Lampung: Justice Publisher, 2016, p. 2.

²<https://apps.detik.com/detik/dalam>"Metro Police Issue Ultimatum to Take Firm Action Against Robbers in Jakarta: Don't Play Around!", accessed October 1, 2024, at 10:19 WIB.

of the Jakarta Metropolitan Police, Senior Commissioner Ade Ary Syam Indradi, to reporters on Thursday (May 16, 2024). Ade Ary emphasized that the police are on standby 24/7 to eradicate crime within the Jakarta Metropolitan Police jurisdiction. The police will also do their utmost to ensure the safety of Jakarta.³

As one of the primary objects of criminological research, crime is defined as a complex phenomenon that can be understood from various perspectives. Therefore, in our daily lives, we encounter a variety of comments about a crime, each with varying degrees of diversity.⁴ Behavioral patterns that harm society, both physically and materially, criminology also studies deviant behavior or behavioral patterns that do not follow or are inconsistent with the values and norms prevailing in society. These values, and especially norms, are not only those formulated formally in laws or statutes, but also those that exist in society even if not included in a country's laws or statutes. Unlike crime, deviant behavior does not involve any physical or material victims.⁵

Criminal law is an important tool in combating crime, or perhaps a remedy for eradicating crimes that disturb and harm society in general and victims in particular. Criminal law regulates various forms of criminal acts. A criminal act is a behavior that is punishable by law, is unlawful, is related to mistakes, and is carried out by someone who is capable of being held responsible.⁶

Crime prevention can be carried out through both preventative and repressive means. However, preventive measures are ineffective if we don't understand the actual factors that cause these crimes to occur and the reasons why individuals commit them. Therefore, it is necessary to review the crimes committed by muggers to determine effective solutions to address and eradicate, or at least minimize, these negative actions, in order to achieve stability in all relationships within society.

The general goal of criminal law enforcement is to eradicate and minimize the crime of mugging over time. However, despite being regulated in Article 365 of the Criminal Code, mugging continues to occur and has experienced a significant increase in the number of cases, with 192 in 2021, 224 in 2022, 276 in 2023, and 341 in 2024, according to documentation from the Jakarta Metropolitan Police.

2. Research Methods

The research method used is sociological juridical, meaning the method or procedure used by the author is to go directly into the field to obtain updated primary data related to the research topic, namely data regarding law enforcement efforts against the crime of robbery in the jurisdiction of the Jakarta Metropolitan Police. Sociological juridical research is conducted by examining the law in the reality of society. This research was conducted in the jurisdiction of the Jakarta Metropolitan Police. Meanwhile, the nature of this research is

³<https://apps.detik.com/detik/>

⁴Topo Santoso & Eva Achjani Zulfa. *Criminology*. Jakarta: PT. Raja Grafindo Persada, 2001, p. 1.

⁵Muhammad Mustofa. *Criminology Research Methodology*. Jakarta: Prenadamedia Group, 2015, p. 9.

⁶Moeljatno. *Principles of Criminal Law*. Jakarta: Rineka Cipta, 2009, p. 6.

descriptive, namely describing the problem under study in accordance with the data obtained and then analyzed.⁷ The research specifications used are descriptive analytical, namely to describe and analyze the application and formulation of law enforcement against the crime of robbery in the jurisdiction of the Metro Jaya Regional Police. Data is all information accompanied by evidence or facts that can be formulated to form a formulation, conclusion or certainty of something.⁸ The type of data used in this study is primary data, which is data collected directly by the researcher from original or primary sources. According to Sugiyono, primary data is data originating from original or primary sources, collected by the researcher to answer the research problems, obtained directly from sources, either through interviews or questionnaires.⁹

3. Results and Discussion

3.1. Implementation of Law Enforcement for the Crime of Robbery in the Jurisdiction of the Metro Jaya Regional Police

One form of crime that is very disturbing to society is mugging. This crime is known in Islamic law as al-hirābah. The Criminal Code (KUHP) does not contain a definition of mugging in its general provisions. The KUHP classifies mugging as theft by force or taking property that is not rightfully yours, either in part or in whole, preceded, followed, or accompanied by violence or the threat of violence against a person with the intent to prepare and facilitate the crime.

Current trends indicate that muggings and other crimes are becoming increasingly rampant. The perpetrators are often young, between 17 and 25 years old. This type of crime has been well-known for a long time, with records dating back to the early 2000s. Back then, muggings were synonymous with fast, two-stroke motorcycles. Their primary targets were people, especially women, carrying side bags. The perpetrators typically pulled the bags, sometimes causing the victim to fall and be dragged several meters, resulting in injury or even death. This type of crime is also known as snatching.

The DKI Jakarta Provincial Government together with the ranks of the Jakarta Metropolitan Police (Polda Metro Jaya) are making a strategic effort to suppress the number of street crimes which have tended to increase in recent years by forming and building a street crime surveillance center, namely the "Control Center or Operating Room through the DKI Jakarta Provincial Communication, Statistics and Cryptography Service, a street crime surveillance center which will be built and is intended to suppress the growth rate and increase in street crimes over the past few years.

The concept behind this surveillance control center, or operating room, is similar to that used in developed countries that have already used this concept. Eradicating crime in any form requires more than just establishing a control center or operating room. A concerted effort and movement by the government, security forces, and all elements of society must be

⁷Ridwan. *Methods and Techniques for Writing a Thesis*. Bandung: Bina Cipta, 2004, p. 6.

⁸Yan Pramadya Puspa. *Legal Dictionary*. Semarang: Aneka Ilmu, 1997, p. 281.

⁹Sugiyono. *Quantitative and Qualitative Research Methodology and R&D*. Bandung: Alfabeta, 2019, p. 137.

implemented to fight the crime. In addition to indiscriminate law enforcement, perpetrators must be subject to strict sanctions. Therefore, researchers believe that imposing severe criminal penalties is an appropriate form of sanction, considering the perpetrator's cruelty to their victims.

In early 2021, between January and February, the public was shocked by disturbances in security and public order that struck the Greater Jakarta area, followed by several areas in Java and other parts of Indonesia. These disturbances were caused by muggings. The term "begal" in the Big Indonesian Dictionary means robber, and "membegal" means to rob on the street.¹⁰ So, begal is defined as robbery on the road, a robbery carried out by an individual or group of people by "preventing" someone who is traveling, whether at night or during the day, whether pedestrians, cyclists, or motorcyclists. In the past, people knew this term for people who liked to intercept people on the road between one village and another, where the distance between one village and another was quite far.

The phenomenon and actions of muggings at that time were not particularly frightening because they usually only intended to take property from victims without harming them, and simply to scare or intimidate them with threats. However, today the mugging phenomenon has changed significantly, as muggings have become a very frightening figure. Mugging is an attempt accompanied by coercion/violence by an individual or group of people to take control of another person's (the victim's) property. The violence carried out by muggers has indeed gone beyond limits, because it is not only psychological but also physical violence. So muggers are not only after property, but many also intend to kill.

The high prevalence of young perpetrators in the age group above is consistent with data reported by the Central Statistics Agency in 2024, which stated that "the open unemployment rate (TPT) among Indonesian youth (aged 16-30) was 12.24 percent. This means that out of 100 young people in the workforce, approximately 12 were unemployed. Nationally, there were approximately 64.22 million young people in Indonesia in August 2024, with Jakarta being one of the provinces with the highest unemployment rate."¹¹

The majority of mugging perpetrators are young people who are searching for their identity, where most of them commit these crimes because they are influenced by drinking alcohol and consuming illegal drugs irregularly and not according to medical and health dosages, so that it has the potential to disrupt their mental system.

This is as written in an article which says that:¹²

Consuming alcohol can put individuals in danger, such as having accidents due to driving under the influence of alcohol. When someone is drunk, their focus, reason and thoughts become disturbed so that the individual may unconsciously commit violence, such as fighting

¹⁰Dictionary Compilation Team of the Center for Language Development and Cultivation, Big Indonesian Dictionary. Second edition. Jakarta: Balai Pustaka, 1993, p. 105.

¹¹Central Statistics Agency data 2024 on www.google.com

¹²<https://www.alodokter.com/minuman-alkohol-bisa-menyakiti-hatimu>.

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or injuring other people.

The author of the article above then explains that excessive consumption of alcoholic beverages or spirits can cause damage to certain organs in humans, as stated below:¹³

If the alcohol that if you consume more than your liver can process, your blood alcohol levels will increase, and if you continue to do this periodically, your liver will experience problems, ranging from fatty liver disease, hepatitis, cirrhosis, to liver cancer, all of which can potentially lead to death.

The Jakarta Metropolitan Police's General Criminal Investigation Directorate further stated that of the 1,033 muggings it has handled, all had a drinking habit, and most were also addicted to drugs. This statement from the Jakarta Metropolitan Police's General Criminal Investigation Directorate aligns with an article by Imam Wahyudi, which states:¹⁴

Narcotics and dangerous drugs (narcotics) are types of drugs that have certain effects that are dangerous if consumed carelessly, therefore their use must be supervised by a doctor. These effects include: causing paralysis or numbness (narcotics); reducing pain, relaxing the nerves, calming and inducing sleep (depressants); stimulating the central nervous system to increase energy or activity (stimulants); and changing thoughts or feelings to feel extraordinary (hallucinogens). Drug addiction will cause decreased immunity, blood poisoning and can also cause death. Meanwhile, alcohol (alcoholic beverages) are drinks that contain alcohol and can be addictive, can be dangerous for users because they can affect thoughts, moods and behavior, and cause damage to the functions of body organs. The effects produced are providing stimulation, calming, relieving pain, anesthetizing, and making happy.

Referring to the statement of the Directorate of General Criminal Investigation of Polda Metro Jaya and several existing articles, it can be interpreted that the use or consumption of illegal drugs and drinking alcohol influences individual behavior which ultimately stimulates the emergence of criminal acts of robbery by perpetrators in the jurisdiction of Polda Metro Jaya.

The presence of muggings has become a serious concern for residents of Jakarta, making them afraid to go outside, not only at night but also during the day. For example, according to a source living in the Pejompongan area, a victim from Brebes, Central Java, was stabbed in the back by a mugger, resulting in his death.¹⁵ Seeing the actions of muggers has become a frightening and very dangerous specter, because apart from targeting the victim's motorbike, the perpetrators do not hesitate to injure and kill the victim, so that people are very afraid to carry out their activities outside the home.

In early 2021, the public was shocked by vigilante action against a mugger. A mugger was burned alive by residents in Pondok Aren, South Tangerang (February 24, 2021). A nearly similar incident occurred in Makassar (February 28, 2021). Two muggers were nearly beaten to death by a mob when caught red-handed. Another instance of vigilante action occurred

¹³*Ibid.*

¹⁴<https://www.kompasiana.com/beningwahyudi/551fb4d98133111e6e9de576/dampak-miras-dan-narkoba>

¹⁵*Ibid.*

when a mugger operating in Pasar Minggu (March 1, 2021) was lynched by local residents and ultimately died in hospital.¹⁶

The recent rise in the social problem of "mugging," according to interviews with several sources, stems from illegal motorcycle racing by young people, which occurs in nearly every region. These illegal racers aren't just racing for speed; they also often terrorize communities by damaging public facilities and stealing property from residents in their illegal racing activities.¹⁷ That is why in researching a crime, we must understand human behavior, both with a descriptive approach and a causal approach. In fact, nowadays, investigations into the causes of crime are no longer carried out, because until now it has not been possible to determine the causal factors that carry a greater or lesser risk in causing certain people to commit crimes, by seeing how complex human behavior is, both individually and in groups. As has been stated, crime is a problem for humans because even though severe sanctions have been established (even the death penalty), crimes still occur. This is a problem that has not been solved until now.

The behavior and characteristics of muggers are currently a new phenomenon in society. Their emergence and presence did not emerge suddenly, and many factors have contributed to the emergence of these inhumane street "executions" and motorcycle snatchers. Among the causes are:

First, Consumerism and the materialistic lifestyle of society. As is well known, this culture has infected our youth, marked by the rapid changes in gadget and automotive models. Many cell phone models are constantly being released, with features and applications that greatly pamper consumers, so that consumers intend to buy and replace them every time a new model is available. In the automotive world, the arrival of new motorcycle models from various brands with all their sophistication and beauty makes young consumers "gulp" to immediately own one. This has led to the emergence of a social gap between those who are well-off and those who are somewhat less well-off. In short, there is no longer equality in society, so that those who are less well-off feel very squeezed by difficult circumstances.¹⁸

Second, Social perspectives. Currently, there is a drastic change in social perspectives, as society tends to be permissive towards actions that violate the law. Some people believe that disobedience to the law is commonplace. They consider perpetrators to be unlucky if caught, and they feel proud when they escape the clutches of law enforcement. Furthermore, law enforcement officers are limited in their ability to do much due to human rights and other considerations. This perception is misused by the public, especially those with malicious intent, to commit crimes, compounded by the perception that prison or detention centers

¹⁶Lidiya Suryani Widiyati, Jurnal Info Pendek Hukum Vol. VII, No. 05/I/P3DI/March 2022. A Brief Study of Current and Strategic Issues, Center for Research, Data Processing and Information (P3DI) of the Secretariat General of the Indonesian House of Representatives, p. 1.

¹⁷Interview with the Directorate of General Criminal Investigation of Polda Metro Jaya, December 12, 2024 in Jakarta.

¹⁸*Ibid.*

offer a free life, thanks to government subsidies.¹⁹

Third, the impact of news and information from films and games on mass media and electronic media. One of the most prominent aspects of this digital age is the ease with which people can access and enjoy violent entertainment, which can inspire crime and violence, and foster anti-humanity. The culture of violence in this media has become a trend and an educational tool that is misused by young people to express their desires. Ahmad Ali wrote in the Fajar Daily that the cause of crime is that people's knowledge and practice of religious teachings are increasingly diminishing. This situation is further exacerbated by the ease with which people in cities and even in remote villages can access all kinds of entertainment containing sexual content and violent scenes.²⁰

Fourth, Instant thinking, laziness to work, and a desire for lots of money. People sometimes forget or don't understand that life is a struggle; sometimes it's enjoyable, but sometimes it's filled with suffering, deprivation, and limitations. People are impatient with suffering and deprivation, so they resort to quick ways to get things without considering whether those actions violate the rules or harm others.²¹

Fifth, Broken homes. A phenomenon that has surfaced is that most perpetrators come from broken homes. Families with weak foundations produce a generation that doesn't enjoy living (and doesn't feel at home) and ultimately chooses to harass people on the streets for recognition. Numerous stories support the assumption that parental divorce is the primary trigger for broken homes.²²

Sixth, Bullying is a violent and abusive act against someone who wants something. This type of bullying, both psychological and verbal, is very disruptive and can dominate young people's thinking due to the influence of unstable and immature emotions, which can lead to uncontrolled behavior.²³

Seventh, Poor economic conditions, because it must be acknowledged that the poorer a person is, the greater the opportunity to commit crime and violence. Because economic conditions are crucial to human life, muggers lack steady employment and are unemployed. When economic pressures force them to fulfill their desire for possessions, individuals can resort to reckless behavior.²⁴

As an illustration of economic development in the modern age, when free competition has

¹⁹Interview with Novi Qonitatin, an academic from the Faculty of Psychology, Diponegoro University, Semarang, December 9, 2024.

²⁰Pahennei Sudirman, Abortion and the Possibility of the Welfare of the Young Generation, Pedomani Rakyat, Sunday, December 14, 1997, p. 4. See also, Hamzah Hasan, Adultery Behind Legal Marriage (A Study in Islamic Criminal Law) (Makassar: Berkah Utami, 2010), p. 100.

²¹*Ibid.*

²²Interview with Novi Qonitatin, an academic from the Faculty of Psychology, Diponegoro University, Semarang, December 9, 2024.

²³*Ibid.*

²⁴Interview with the Directorate of General Criminal Investigation of Polda Metro Jaya, December 12, 2024 in Jakarta.

emerged, it has fueled consumerism. As a result, people desire to own as many goods or money as possible, without regard for values (whether halal or haram) as a criterion.²⁵ Moreover, if poverty has squeezed someone's life, then gradually this condition will force someone to do evil.

Eighth, Weak social oversight. It must be acknowledged that a significant change or shift in values is occurring in society due to a hedonistic culture. People no longer need to think about the interests of others and prioritize their own happiness and satisfaction without considering others. People no longer "supervise" and care about others, so much so that life seems to be solely about their own interests and satisfaction. In social life, a person learns patterns of behavior in social interactions from their surroundings (social environment). In this social environment, a person learns about the various social roles that exist in social life. Therefore, the social environment also plays a significant role in shaping a person's behavior. A person who behaves badly learns in the same way as a person who behaves non-badly. This means that bad behavior is learned through interactions with others, and those others acquire that bad behavior as a result of interactions with others, and those individuals acquire bad behavior as a result of interactions with people who behave in a way that tends to violate existing legal norms.²⁶

Ninth, the phenomenon of mugging is caused by high unemployment. Finding a school or college education is currently difficult. Even after graduating, finding work is difficult, and those who do have jobs are often laid off, increasing unemployment. When unemployment is high in a community, mugging is a potential solution, as it offers a way to earn a lot of money without much work.²⁷

The tendency to commit crime is driven by high unemployment. The limited job market leads to high unemployment rates, while on the other hand, individual needs become increasingly pressing, and this is sometimes the cause of crime. In addition to these factors, there are several other factors that contribute to crime in general.

The first is a factor that originates or exists within the perpetrator, meaning that what influences someone to commit a crime arises from within the perpetrator themselves, based on heredity and psychological factors (mental illness). The second factor is a factor that originates or exists outside the perpetrator's personal self.²⁸ This means that what influences someone to commit a crime comes from outside the perpetrator himself, which is based on household and environmental factors.²⁹ Social life is a state or condition of a person's life in social interactions which involves all aspects such as: level of education, work, interaction in

²⁵Interview with Gus Huda, a young figure from the GP Ansor Branch Management in Semarang City, November 15, 2024.

²⁶Soerjono Soekanto. *Sociology: An Introduction* (Jakarta: Raja Grafindo Persada, 1996), p. 408.

²⁷Interview with the Directorate of General Criminal Investigation of Polda Metro Jaya, December 12, 2024 in Jakarta.

²⁸GW Bawengan. *The Problem of Crime with Cause and Effect*. Jakarta: Pradnya Paramita 1997, p. 11.

²⁹Andi Hamzah. *Criminal Law and Criminal Procedure*. Jakarta: Ghalia Indonesia, 1986, p. 64.

society/environment, atmosphere of life in the family and so on.³⁰ These factors complement each other, so that someone who experiences them can result in deviant or unlawful behavior.

The results of interviews with the Directorate of General Criminal Investigation of the Jakarta Metropolitan Police also revealed something unique, specifically the crime of robbery during the Covid-19 pandemic, where:³¹

The senior's desire to mug was driven by the opportunity to exploit for personal or mutual benefit. They were also motivated by the increased use of bicycles during the pandemic, and the resulting increase in bicycle prices. Furthermore, the perpetrators were motivated by encouragement from a friend who accompanied them to carry out their crime.

M. Tottier in his study stated that "in crimes committed by small groups consisting of between 2 (two) to 4 (four) people, it is a reflection of the personality of each individual, although the joint decision can be different from if it is only done alone, this is an example that a group can commit a crime, but if it is only one person, they may be able to restrain themselves from doing it."³² Furthermore, negative individual behavior can contribute to the crime of mugging or theft with violence. This can create problems in society and often leads to crimes such as mugging. To prevent this, Zahrati recommends avoiding cycling at night and cycling alone, but rather with friends.³³ This is in accordance with information from the Directorate of General Criminal Research of Polda Metro Jaya, that:³⁴

Agus (pseudonym) who at that time was carrying out his action of bicycle robbery, was invited by a senior and already had the right target when they were on Jl. Mayestik, South Jakarta. Agus said that the target they were aiming for was exercising on his own bicycle in the morning, followed continuously from Jl. Mayestik to Jl. Sudirman and already had the intention of robbing the cyclist on a quiet road. At the same time there was a bicycle group also in a shophouse that they saw not far from the place where he wanted to commit the robbery crime, it turned out that this target stopped at the shophouse and gathered with the group. Furthermore, Agus and his senior did not rob the cyclist who had been their target.

From the description above, if analyzed using factors that influence law enforcement, including: a) legal factors themselves; b) law enforcement factors; c) facilities and infrastructure factors; d) community factors and e) cultural factors, it will produce the assumption that:

- 1) The legal factor itself, in this case regarding legislation related to the crime of mugging,

³⁰Erman Soeparno. A New Paradigm of Transmigration Towards People's Prosperity. Jakarta: Ministry of Manpower and Transmigration of the Republic of Indonesia, 2007, p. 167.

³¹Interview with the Directorate of General Criminal Investigation of Polda Metro Jaya, December 12, 2024 in Jakarta.

³²FT Zahrati. "Covid 19 and Crime Rates in Indonesia: Application of Criminology Theories." Journal of Social Sciences and Education, Vol. 4. No. 4 November 2020.

³³*Ibid.*

³⁴Interview with the Directorate of General Criminal Investigation of Polda Metro Jaya, December 12, 2024 in Jakarta.

where the stages of law enforcement against the crime of mugging are regulated in the Criminal Code, namely in Article 365 of the Criminal Code. In the new Criminal Code (Law Number 1 of 2023), mugging (the crime of theft with violence/curas) is regulated in Article 479. The perpetrator of a mugging who causes the victim's death can be threatened with the death penalty, while the maximum prison sentence is 20 years. However, Law Number 1 of 2023 is stated to be positive starting in 2026. The formulation of the sanctions is included in Article 479 of the Draft Criminal Code which was just ratified by the House of Representatives (DPR) on Tuesday (6/12/2022).³⁵ According to Article 479 Paragraph (1) of the Draft Criminal Code, anyone who commits theft with violence is threatened with a prison sentence of 9 years. Meanwhile, Article 479 paragraph (2) states that there are 4 acts of theft with violence that are threatened with a prison sentence of 12 years. These acts are: at night in a house or closed yard where there is a house, on a public road, or in a moving public transport vehicle; theft by means of damaging, dismantling, cutting, breaking, climbing, using a fake key, using a fake order, or wearing fake official clothing, to enter the place of committing the crime or to get to the goods taken; which results in serious injury to people; or together and in collusion.

2) The law enforcement factor, in this case the Indonesian National Police. As the executor of the prevention of the crime of mugging has been accommodated, namely in the hands of the Police, however, empirically, many police officers have been found not carrying out their duties and obligations in law enforcement, namely "playing" with the articles and files with the perpetrators of criminal acts so that the indictment and criminal demands cannot be optimal and do not bring a deterrent effect to the perpetrators, amidst the existence of the Chief of Police Instruction which expressly allows all personnel to shoot on sight when discovering a crime of mugging. This Chief of Police Instruction is nothing other than a positive response to the spread of mugging crimes which are increasingly disturbing the community, thus disrupting the daily activities of citizens. This Chief of Police Instruction is also an effort by the Police in order to provide protection and guidance to citizens so that they feel safe and comfortable when carrying out activities outside the home.

According to Article 479 Paragraph (3), if the perpetrator of a mugging or snatching causes the victim to die due to their actions, they are threatened with a maximum prison sentence of 15 years. "If the act as referred to in paragraph (1) results in serious injury or death of a person which is carried out together and in association accompanied by one of the things as referred to in paragraph (2) letters a and b, the punishment is the death penalty or life imprisonment or a maximum prison sentence of 20 years," as stated in Article 479 Paragraph (4) of the Draft Criminal Code.³⁶

3) The facilities and infrastructure factors in law enforcement against the crime of robbery are factually sufficient, namely the presence of patrol cars, personnel who are members of the "Eagle Brigade", supported by weapons and crime prevention tools, and so on, which in fact have been accommodated to fight and prevent the crime of robbery in the jurisdiction of

³⁵<https://nasional.kompas.com/read/2022/12/06/16165961/rkuhp-disahkan-pelaku-begal-sampai-jambret-hingga-korban-meninggal-terancam>.

³⁶*ibid*.

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the Metropolitan Jaya Regional Police.

4) The community is quite proactive in reporting and providing information about incidents of robbery and other criminal acts to the police and relevant government agencies. Public notification to the police or government agencies is usually done through social media platforms like WhatsApp, Twitter, Instagram, Facebook, and similar platforms, so that they receive a prompt response from the relevant authorities if something happens.

5) Cultural factors, namely as a result of work, creativity and feeling which are based on human will in social interaction, where in this incident of the crime of robbery the prevailing cultural values still strictly prohibit someone from committing any crime, in the sense of the value of not being justified in committing the crime of robbery in a society which still adheres closely to Eastern ethics, and is understood by Jakarta residents since childhood as a negative value.

From the description above, it can be understood that the weakness in law enforcement of the crime of mugging in the jurisdiction of Polda Metro Jaya lies in the law enforcement factor, both in terms of the morality of police officers and quantitatively regarding the lack of personnel deployed to eradicate the crime of mugging.

The phenomenon of the rise in the crime of mugging in the jurisdiction of the Jakarta Metropolitan Police, when analyzed using the legal system theory of Lawrence M. Friedman who divides the legal system into 3 (three) types. Lawrence M. Friedman's theory explains that the success of law enforcement depends on 3 (three) main components of the legal system: legal structure, legal substance, and legal culture. These three components are interrelated and influence each other in determining the effectiveness of law enforcement. According to Friedman, most developing countries in law enforcement efforts only concern themselves with the structure and substance, while the issue of legal culture does not receive careful attention.

The legal structure is an institution created by the legal system with various functions to support the operation of the system. This component allows to see how the legal system provides services for the processing of legal materials in an orderly manner. The legal structure includes all legal institutions, both government agencies and law enforcement officers, such as the Police, Prosecutors, Justice, Correctional Institutions, and Advocates. In general, the legal structure is a pattern that shows how the law should be implemented according to formal provisions, such as the role of the courts, rule makers, and legal processes. Regarding law enforcement efforts against the crime of robbery in the jurisdiction of the Jakarta Metropolitan Police, the Police have made efforts, both through penal and non-penal policies. However, to be able to create a deterrent effect on perpetrators, they still need support from other institutions, such as the Prosecutor's Office, Courts, Correctional Institutions, and advocates. Collaboration between law enforcement officials is crucial for determining the future direction and policies of the legal system. If the legal system operates in accordance with applicable laws and regulations, it will likely be increasingly respected and complied with. Even in cases of robbery, if law enforcement is fair and in accordance with applicable norms, it will undoubtedly serve as a deterrent for potential future perpetrators.

Legal substance is the output of the legal system, consisting of regulations and decisions applied by both the governing and the governed. Legal substance encompasses all rules, norms, and actual patterns of human behavior within the legal system. This includes statutory regulations, binding court decisions, and prevailing legal norms within society. From a legal substance perspective, the crime of mugging is regulated under Article 365 of the Criminal Code, along with minimum and maximum penalties. If law enforcement officers comply with these provisions and regulations, it will be able to reduce public questions about the transparency of the implementation of the legal system, amidst the police's negative image.

Legal culture, which consists of values and attitudes that influence the operation of the law, is what Friedman calls legal culture. This legal culture serves as a bridge connecting legal regulations with the legal behavior of all citizens. Friedman divides legal culture into: (a) Internal legal culture, namely the legal culture of judges and lawyers or law enforcement in general; (b) External legal culture, namely the legal culture of the wider community.

Structure and substance are core components of a legal system, but they are merely a design or blueprint, not a working machine. Structure and substance are problematic because they are static; they are like a snapshot of the legal system. This snapshot lacks movement and truth, like a beautified courtroom, frozen, stiff, and in a state of perpetual pain.

According to Friedman, the missing element that gives life to the legal system is "legal culture." Legal culture refers to attitudes, values, and opinions within a society, with an emphasis on the law, the legal system, and certain parts of the law. In the Indonesian context, legal culture is the level of compliance of citizens with all applicable laws and regulations. Attitudes, values, assumptions, and norms inherent in society are part of legal culture. If a citizen has positive sentiments towards certain institutions and negative sentiments towards others, then the values, attitudes, and behavior of citizens will shape their personal legal culture. And if these values, attitudes, and behavior are believed and believed in by a society, it will produce a legal culture of that society towards certain institutions.

Legal culture is part of the general culture, customs, opinions, ways of working, and thinking that bind society to approach or distance itself from the law in specific ways. Within this framework, Friedman views legal culture as the most crucial of the three components. Legal culture is seen as crucial in determining when, why, and where people use the law, legal institutions, or legal processes, or when they use other institutions or do not pursue legal action. In other words, cultural factors are essential ingredients for transforming a static structure and collection of static norms into a living legal body. Adding legal culture to the picture is like winding a clock or starting a machine. Legal culture sets things in motion. According to Friedman, the importance of 'legal culture' lies in its role as a crucial variable in the process of producing static law and legal change. Friedman further explains attitudes and values within legal culture. Attitudes, according to Friedman, constitute 'situational legal culture'. This concept refers to the attitudes and values of the general public. The second concept is 'internal legal culture'. This concept refers to the attitudes and values of professionals working within the legal system, such as lawyers, judges, law enforcement officers, and others. Friedman also states that situational legal culture is not homogeneous. Different sections of society have different values and attitudes towards law.

Legal culture is a central element of successful legal reform. According to Friedman, this is true because it is legal culture that weakens changes in legal institutions and the law itself; thus, legal culture is 'the source of law. Its norms create legal norms.' Legal culture can change over time as a result of growing legal awareness. This change is embedded in the fact that certain values or attitudes toward law become inappropriate for society. This occurs when a society develops awareness regarding individual rights and democracy and abandons old notions such as status and patriarchal systems. This is spearheaded by a small class of legal elites who implement an internal legal culture. Conversely, when legal culture changes, society becomes more open to changes in legal institutions and the law itself. In such situations, foreign law can be easily adapted and implemented.

Friedman agrees with the concept that changes in legal consciousness can be influenced by external factors such as economic, political, and social events. Legal culture is an interrelated variable. Social forces create law, but they do not create it directly. On the one hand, legal consciousness changes legal culture, legal culture changes the legal system, and the legal system influences the broader socio-economic and political systems. On the other hand, socio-economic and political pressures significantly influence legal consciousness.

Collaboration between the three components of the legal system above as described by Lawrence M. Friedman and in the context of the law enforcement efforts of the Jakarta Metropolitan Police against the crime of robbery in the jurisdiction of the Jakarta Metropolitan Police will be able to minimize and even reduce the phenomena as described in the introductory chapter, such as; lack of police personnel and resources; lack of facilities and infrastructure; weak security intelligence; high crime rate, lack of deterrent effect of the legal system, low public participation, and low collaboration between law enforcement agencies, so that a solution is needed in law enforcement in the future. These shortcomings and weaknesses through the legal system theory approach from Lawrence Friedman will be able to be identified so that solutions and ways out can be immediately sought.

3.2. Formulation of Formal Law Enforcement for the Crime of Robbery in the Jurisdiction of the Metro Jaya Regional Police

The police as law enforcers are obliged to be responsible for criminal acts committed by groups of robbers in order to prevent and overcome the crimes that occur, so that in this case two efforts are made, namely efforts that are preventive in nature and efforts that are repressive in nature which result in legal sanctions or create a deterrent effect for the perpetrators of robbers who have committed crimes.

Preventive measures include routine patrols, raids, and other preventive activities. Preventive measures consistently implemented by the Jakarta Metropolitan Police include the following:

- 1) Conducting operations against motor vehicles every Saturday night in areas considered prone to robbery crimes in the Greater Jakarta area, such as Pasar Minggu, Dewi Sartika, Pondok Bambu, Cilincing, Cipinang Muara and Jalan Dr. Cipto.
- 2) Conduct patrols every night, especially on main roads which are often used as places for illegal racing and gatherings of motorcycle gangs, especially on Friday, Saturday and Sunday

nights until the early hours of the morning.

3) Providing counseling to junior high, high school, and/or vocational school students by sending representatives from the police to become ceremony instructors at junior high, high school, and/or vocational schools in the Greater Jakarta area on a rotating basis. Counseling is carried out considering the dangers posed if students are involved in groups of muggers who usually operate under the name of motorcycle gangs, such as conducting illegal racing that can result in accidents, and are dangerous for other road users. Counseling regarding safety riding, motorized vehicle users must have a Driver's License (SIM) first before being allowed to drive on the highway. Adequate equipment according to safe and orderly driving standards.

4) Cooperation with the community. Forming independent security teams, such as FKPM, Pokdar Kamtibmas, and involving community leaders, youth, and religious leaders in prevention efforts.

5) Surveillance and Early Detection: Increase surveillance in areas prone to robbery and conduct early detection of potential crime.

Repressive efforts include investigations, inquiries, arrests and prosecution of perpetrators of robbery in accordance with applicable law, which include:

a. Investigation and Investigation. Conducting quick and thorough investigations and inquiries into cases of robbery that occur, by collecting strong evidence.

b. Arrest. Arrest the perpetrators of robbery based on sufficient evidence.

c. Prosecution. Prosecute the perpetrator in court in accordance with applicable legal provisions.

d. Imposition of Sanctions. Imposing sanctions appropriate to the perpetrator's actions, including imprisonment and fines.

According to Soedjono Dirdjosisworo, preventive measures are:³⁷

Efforts to foster and educate the community are essentially preventative. More generally, crime prevention efforts are carried out using what are called moralistic and abolitionist methods. Moralistic methods involve spiritual mental development, which can be carried out by religious scholars, educators, and others. Abolitionist methods, on the other hand, are conceptual prevention methods that must be planned based on criminological research and explore the causes from various related factors.

Repressive action is defined as action taken after a crime has occurred, such as prosecuting and sentencing someone who has committed a crime. Repressive action involves taking action against muggers who commit crimes, whether they are felonies or serious violations. Repressive action is taken against students who are considered to be students, unlike adult

³⁷Soedjono Dirdjosisworo. Synopsis of Indonesian Criminology, Bandung: Mandar Maju, 1994, pp. 19-20.

members who are considered to be of legal age and capable of taking responsibility.

According to the Directorate of General Criminal Investigation of Polda Metro Jaya³⁸ Perpetrators who are still students are initially given guidance as a repressive measure, while adult perpetrators can be directly subject to criminal sanctions. The police's repressive enforcement of Article 115 of the Road Traffic and Transportation Law aims to prevent and raise awareness among perpetrators of crimes so they do not commit worse crimes. However, repressive efforts have not been optimal under existing regulations, due to:

- 1) Lack of police personnel or members when making arrests compared to the number of violators (members of the robbery group) on the road.
- 2) The police did not cooperate with the District Court, because the sanctions given were considered not to be optimal in providing a deterrent effect for violators.

The behavior of members of the mugging group violates the law. Their crimes are naturally motivated by intent and purpose. According to the author, the motives that drive young students to commit crimes, in this case crimes committed by mugging groups, include:

- 1) To satisfy ambitions that tend toward the negative, usually due to a lack of attention from parents and the family environment.
- 2) Boosting self-confidence, as if they were considered heroes. Middle school and high school are the time of puberty, with many aspirations they want to achieve, but they believe the methods they use are all correct.
- 3) Lack of parental affection and attention. Busy parents often have less time to spend with their children. On the other hand, children need more parental attention so that their activities can be properly monitored. Often, inappropriate parenting styles, including parental education, can significantly impact the child's personality. Children become spoiled and childish, more likely to be selfish and feel superior.
- 4) The desire to gather with peers of the same fate and age, and the tendency to imitate others. Expressing solidarity due to shared fates or conflicts, makes it easy for teenagers to fall into criminal activity.
- 5) Internal conflict leads to the use of mugging groups as an escape. Many problems faced by teenagers are unknown to their parents, leading them to resort to negative means, such as joining a motorcycle gang, which can potentially lead to muggings on the streets.
- 6) The influence of alcohol consumption can lead to low self-control and weakened critical thinking, leading adolescents to follow the advice or suggestions of their peers, even if this leads to criminal activity. It's not uncommon for adolescents, in addition to alcohol consumption, to be influenced by drugs, to lead them to commit crimes.

³⁸*Ibid.*

According to Gus Huda³⁹Motorcycle gang cases occurring within the jurisdiction of the Jakarta Metropolitan Police, as well as within the Semarang City Police, can be categorized as quite dangerous and disturbing to the public, as is the case in other major cities in Indonesia. Preventive and mitigation efforts continue, one of which is strengthening faith and religious awareness among the younger generation. Most of the perpetrators arrested are junior high and high school students.

The follow-up to an arrest is an inspection. The inspection includes complete documents, including driver's licenses and vehicle registration certificates. In addition to the inspection of documents, the vehicle's completeness is also checked, including mirrors, turn signals, headlights, and other equipment. If during the inspection, motorcycle gang members are found carrying sharp weapons or similar items, further inspection is carried out to determine what weapons were used and whether there were any victims. The sharp weapons and the motorcycles used are confiscated. After the inspection, counseling is provided to the gang members, along with summoning the parents or guardians of the gang members who are still students.

The summons also applies if the members of the gang of robbers who are caught are still in school uniform during school hours, but they commit violations, such as illegal racing. The summons is directed to a representative from the student's school. The members of the gang of robbers who are students are gathered and given guidance by the police, accompanied by a stamped statement that they will not repeat the crime. However, if they violate the rules and are caught again on another occasion, criminal penalties can be imposed.

The policy of using sanctions for a criminal act is greatly influenced by the effectiveness of the use of said sanctions for certain crimes. Discussing the effectiveness of the application of criminal sanctions, many factors influence the effectiveness of the application of said sanctions for certain acts. The fact that the number or index of mugging cases in the jurisdiction of the Jakarta Metropolitan Police has continued to increase over the past 3 (three) years, and all of them have been tried and have been sentenced to prison in correctional institutions. This provides direction that criminal sanctions in the form of imprisonment are considered ineffective in suppressing the rate of mugging in the Jakarta Metropolitan Police jurisdiction. This is as stated by Novi Qonitatin, that:⁴⁰

From the cost, regulatory system, to the extent to which the sanctions impact a crime and violation to its influence on the perpetrator, victim and society, both from the victim's perspective and from the perspective of potential offenders. If comparing the use of imprisonment with corporal punishment (whipping, for example), or the punishment of cutting off hands and feet crosswise for perpetrators of mugging, the author tends to think that caning as a corporal punishment could be included in the Indonesian Criminal Code Bill, because this punishment is considered relatively appropriate to the culture and sense of

³⁹Interview with Gus Huda, a young figure from the GP Ansor Branch Management in Semarang City, November 15, 2024.

⁴⁰Interview with Novi Qonitatin, an academic from the Faculty of Psychology, Diponegoro University, Semarang, December 9, 2024.

justice of society, in the sense that it is more deterrent and more frightening (from a moral perspective) especially since it is related to religious beliefs or convictions held by the community.

Furthermore, imprisonment or temporary deprivation of liberty is currently considered to have little positive impact on criminals. However, according to the original concept, correctional institutions, or prisons, were not merely intended to carry out punishment but also to reintegrate convicted individuals into society. In 2021, the number of inmates in Indonesian correctional institutions reached 127,671, exceeding the capacity of 68,141, indicating overcapacity.⁴¹ The negative effects of prison do not appear immediately with the revocation of liberty, but rather stem from the negative influence of the prison environment itself. While it is undeniable that governments and countries around the world have been trying to transform prisons into places for the education and rehabilitation of criminals by improving or adding prison facilities and improving the prison system to positively impact inmates, there is currently an increase in the use of imprisonment for criminals in Indonesia. This increase in the use of imprisonment has led to overcrowding of correctional institutions, which has made it difficult to implement the prisoner corrections system and has had numerous negative consequences, one of which is the adverse health effects caused by the prison environment.

Historically, prisons have been an attribute of power, and correctional institutions are a familiar feature of the Indonesian legal system. Hazairin observed that as long as crime exists on earth, and as long as Satan remains unshackled, prisons are a utopia, as he believes they offer little benefit to law enforcement in this country.⁴² Materially, this thinking aligns with the research of Muhammad Syirazi. According to Muhammad Syirazi, detention is fundamentally contrary to humanitarian principles and, except in emergency situations, should be avoided at all costs due to its harmful effects. These adverse effects include:

1) Negative economic impacts. In this case, a prisoner is forced to cease normal work activities and all his living expenses must be met by the state, which, of course, is funded by the public. There are also other costs, namely the operational costs of the prison and its personnel. Therefore, detention triples the cost of the prisoner's separation from his regular employment, the cost of living in prison, and the cost of running the prison system itself. Therefore, it is simply a waste of state funds.⁴³ It can be seen that the threat of imprisonment according to Article 12 of the Criminal Code is life imprisonment and temporary imprisonment, a maximum of 15 years, and this threat can be reduced with the granting of clemency.⁴⁴

2) The negative impact in the social dimension, the families of prisoners must be isolated and this will cause more negative social impacts.

⁴¹<https://id.wikipedia.org/wiki/Institute>.

⁴²Hazairin. *Seven Laws* (Bandung: Bina Asksara, 1998), p. 2.

⁴³Tongat. *Life Imprisonment and the Criminal Law System in Indonesia*. Malang: UMM Press, 2004, p. 113.

⁴⁴Pardon is forgiveness from the Head of State to a person who has received punishment, see Hazairin. *Op.cit.*, p. 6.

- 3) Negative impact on personal morals, where the moral development of the person being detained will be affected, and this will be clearly visible both inside and outside prison;
- 4) Bad impact on the family, where a person's understanding will affect the destruction of moral values in his family (wife and children) because there is no one left to earn a living for them;
- 5) The negative impact of crime is that a prisoner who has committed a crime can teach his skills to other prisoners. And when the newly learned prisoner leaves prison, he can spread his newly acquired (criminal) knowledge to other members of society.
- 6) Other negative impacts include a diminished sense of responsibility for those who are detained. A person typically has psychological barriers and a fear of committing a crime. However, if someone has been detained, they may feel like they don't need to be held responsible for their crimes.⁴⁵

Considering the negative impacts of imprisonment, as outlined by Imam Muhammad Syirazi, which are completely far from the essence of imprisonment, which should deter people, one legal option that can truly deter people is corporal punishment, as offered by Islamic criminal law. Corporal punishment in Islamic law can take the form of flogging, amputating the hands and feet in a crisscross pattern, or the death penalty. For perpetrators of muggings, whose recent activities have increasingly made society unsafe, preventing people from carrying out their activities and constantly feeling terrorized and threatened, muggings deserve the death penalty. Of course, the state apparatus (government) must carry it out.

Imprisonment is not only incapable of deterring crime, but also extremely expensive. In 2000 alone, the budget for a prisoner was approximately Rp. 15,000 per person per day, multiplied by the number of inmates spread across correctional institutions and state detention centers throughout Indonesia. This substantial budget, if used for other activities, could improve public welfare or alleviate poverty. Therefore, Islamic law offers a solution to reduce the state's significant expenditures and ensure a deterrent effect. It is an appropriate legal option and aligns with the Indonesian people's sense of justice. Islamic criminal law, when carrying out executions, does not require a long time and is not expensive, as it can be resolved at the scene by state agencies, as described above. Robbery, under Islamic law, is a type of hirabah crime, which involves causing chaos and damage. Several forms of crime are distinguished, each with its own distinct sanctions or penalties.

Prison overcrowding in Indonesia has been a problem for years. Tragically, despite widespread recognition that this problem persists, no definitive solution has been found. New prisons and detention centers have been built, but these efforts alone are insufficient to stem the daily influx of inmates. Data from the Directorate General of Corrections, as of January 2021, indicates that the current prison and detention center population has reached 203% of

⁴⁵Imam Muhammad Syirazi, *The Right of Prisoners According to Islamic Teaching*, Translated by Taufiqurrahman. Jakarta: Pustaka Zahrah, 2004, p. 13.

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capacity.⁴⁶

The continued increase in the number of inmates in detention centers and correctional facilities is influenced by the large percentage of prison use in legislation and the imposition of prison sentences that are not balanced by adequate facilities and infrastructure. Imprisonment in Indonesia is included as a criminal threat in many laws and regulations. No less than 654 acts in laws issued since the reform era until 2021 (91.34%) are classified as criminal offenses with prison sanctions imposed for violators. Furthermore, according to data compiled by the National Penal Code (BPHN), imprisonment in the Criminal Code has been used as a criminal threat 485 times.

In seeking a solution to this overcrowding problem, one approach is to reduce the influx of inmates into detention centers and prisons. This reduction in influx can be achieved by introducing criminal policies that do not prioritize imprisonment as the sole form of punishment. Indonesia already recognizes these alternative forms in several laws and regulations, such as the Criminal Code, the Juvenile Criminal Justice System Law, and the Narcotics Law. Therefore, with the increasing number of muggings, all of which have been tried and resulted in imprisonment, and this also occurs in almost all cities in Indonesia, the existence of alternative punishments besides imprisonment, is worthy of being immediately proposed, including one for mugging. Based on the current trend, mugging perpetrators who have been imprisoned, the majority do not feel deterred by the punishment they received. The proof is that upon release, they often commit crimes again, although not necessarily as muggings again.⁴⁷

As a series of concepts and principles that serve as the outline and basis for implementing plans for crime prevention measures, policy constitutes a system. As a system, crime prevention policy is a subsystem of the Social Policy system. Social policy can thus be defined as a series of concepts and principles in implementing a government action plan to achieve a goal. In its function, social policy has broad objectives, namely "social welfare" and "social defense." Crime prevention policy can also be called "criminal policy." Within the framework of the policy system, the criminal policy subsystem operationally seeks to realize the primary objectives of social welfare and social defense. As a means of crime prevention, criminal policy can be pursued through penal and non-penal means. In carrying out the duties of the Indonesian National Police (Polri) in the community, especially as law enforcers seeking to combat crime, the scheme proposed by Barda Nawawi Arief⁴⁸ This can be used as a reference for the task, that efforts to overcome criminal acts in their implementation need to be taken through an integrated approach by combining social policy with criminal policy and combining penal policy and non-penal policy.

The implementation of these two approaches must be synergistic and complementary. If the

⁴⁶<https://icjr.or.id/mencari-solusi-penjara-penuh-saatnya-optimalisasi-alternatif-pemidanaan-non-pemenjaraan/>

⁴⁷Interview with Novi Qonitatin, an academic from the Faculty of Psychology, Diponegoro University, Semarang, December 9, 2024.

⁴⁸Barda Nawawi Arief. Criminal Law Reform from a Comparative Studies Perspective. Semarang: Postgraduate Program in Law, Diponegoro University, 2005, p. 5.

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first approach is adopted, it means that crime prevention is carried out using criminal law policy, namely, "the effort to implement criminal legislation that is appropriate to the circumstances and situations at a given time and for the future."⁴⁹

In outlining the various negative aspects of social development, Sudarto emphasized that efforts to "ask for help" from criminal law as a means of dealing with criminal acts should or must be considered as the last resort.⁵⁰ Criminal law has a subsidiary function, meaning it is only used when other efforts are deemed unsatisfactory or inappropriate. However, if criminal law is to be involved, it must be viewed in relation to the overall criminal policy, particularly the goal of "community protection" (as planning for social defense). This community protection plan must be an integral part of planning for national development.

Soedarto emphasized that the involvement of criminal law in social defense planning must be remembered or acknowledged that the use of criminal law is a way to overcome a symptom and not a solution by eliminating the causes.⁵¹ The involvement of criminal law as a means of addressing criminal acts, as described above, particularly concerns the capacity of criminal law itself, which occupies a subsidiary position. Its ability to only address symptoms, rather than address the causes, demonstrates the limited nature of criminal law's capabilities. This is especially true when compared to the costs to the state. Criminalizing criminal law involves significant costs. Efforts to criminalize include the following requirements: the purpose of criminal law, the determination of undesirable acts, the balance between means and results, and the capabilities of law enforcement officials.

Considering the research results, the robbery cases in the jurisdiction of Polda Metro Jaya can be resolved 100 percent, all of which can be resolved through legal processes. where in the implementation of the main duties of the police in Law No. 2 of 2002 concerning the Republic of Indonesia National Police is very contradictory due to public dissatisfaction with seeing the Police's duties as very lacking, not persistent and so on. Therefore, the author can conclude that the Police still need human resources that are categorized as lacking, for example the absence of witnesses. Lack of evidence, lack of public trust in the police, and lack of public awareness to comply with applicable legal regulations.

Regarding the performance of the Jakarta Metropolitan Police (Polda Metro Jaya), the requirement of "law enforcement officer capability" deserves attention in carrying out its duties. The meaning of capability is not simply interpreted as the quantity or number of Polsek personnel in the Jakarta Metropolitan Police; what is more important is the quality of personnel in the Polsek. The quality of personnel includes: their intellectual level, morality, performance, discipline, firmness, exemplary behavior, and piety. All of these requirements greatly influence the image of the National Police. In policy efforts, criminal policy.

G. Peter Hoefgonels describes its scope as referenced by Barda Nawawi Arief⁵²:

⁴⁹Barda Nawawi Arief. Anthology of Criminal Law Policy. Bandung: Citra Aditya Bakti, 2002, p. 1.

⁵⁰Sudarto. Criminal Law I. Semarang: FH UNDIP, 2011, p. 38.

⁵¹*ibid.*

⁵²Barda Nawawi Arief, Anthology of Criminal Law Policy. Loc.cit.

that the formulation of criminal policy includes; first, influencing public views on crime and criminals through mass media; second, the application of criminal law (practical criminology); and third, prevention without criminal law which includes social politics, community mental health plans, and others.

The description of "prevention without punishment, shows the non-penal nature of the functionalization of criminal policy, which means it places more emphasis on preventive nature, while the use of penal means is more repressive in nature." Soedarto⁵³ provides an understanding that repressive actions can essentially also be seen as preventive actions in a broad sense.

4. Conclusion

The police as law enforcers are obliged to be responsible for criminal acts committed by members of the begal group in order to prevent and overcome criminal acts that occur in the jurisdiction they are responsible for through law enforcement. The efforts made by the Metro Jaya Regional Police in enforcing the law on criminal acts of mugging in the jurisdiction of the Metro Jaya Regional Police are through 2 (two) approaches, namely through preventive efforts and repressive efforts that result in legal sanctions or create a deterrent effect for the begal group that has committed the crime. The law enforcement efforts by the Metro Jaya Regional Police still require support from other institutions, such as; the Prosecutor's Office, Courts, Correctional Institutions and advocates. Collaboration between law enforcement officers is very decisive in determining the direction and policy of the legal system in the future, where if the legal system runs in accordance with applicable provisions and regulations, there is a tendency for the legal system to be increasingly respected and obeyed. Even in cases of robbery, if law enforcement can take place fairly and in accordance with applicable norms, then the deterrent effect will certainly be a concern for potential perpetrators of subsequent crimes. Legal formulation is the process of formulating or drafting legal rules, whether in the form of laws, regional regulations, or other forms, which aim to regulate community behavior or resolve a problem. This involves the activity of selecting values that are appropriate to the social context and formulating them in the form of clear and measurable rules. The formulation of law enforcement against the crime of mugging in the jurisdiction of the Jakarta Metropolitan Police involves preventive and repressive measures. Preventive efforts include; 1) increasing security by conducting routine patrols, raids, and special operations in areas prone to mugging, especially at night; 2) Counseling and socialization by providing counseling to the community about the dangers of mugging and how to avoid it, as well as increasing legal awareness; 3) Cooperation with the community by forming voluntary security teams, such as FKPM, Pokdar Kamtibmas, and involving community leaders, youth, and religious leaders in prevention efforts, and 4) Supervision and early detection by increasing supervision in areas prone to mugging and conducting early detection of potential crime. Meanwhile, repressive efforts (enforcement) include: 1) Investigation and inquiry by conducting a quick and thorough investigation and inquiry into the robbery cases that occur, by collecting strong evidence; 2) Arrest, namely arresting the

⁵³Sudarto. Criminal Law I, Op.cit., p. 11.

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perpetrators of robbery based on sufficient evidence; 3) Prosecution, namely prosecuting the perpetrators in court in accordance with applicable legal provisions, and 4) Imposing sanctions, namely giving sanctions appropriate to the perpetrator's actions, including imprisonment and fines.

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