

Sept 23 - 24 2020 Imam Assafei building Faculty of Law, Unissula Kaligawe Rd KM 4, Central java

ROGRAM DOKTOR ILMU H

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER



" democracy in digital era : law, governance, sosial and economic perspective in Asia, Australia and Dutch"



September 23-24, 2020 Imam Assafei Building, Faculty of Law, Unissula Kaligawe Rd KM 4 Semarang, Central Java

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER

THEME : DEMOCRACY IN DIGITAL ERA: LAW, GOVERNANCE, SOCIAL AND ECONOMIC PERSPECTIVE IN ASIA, AUSTRALIA AND DUTCH

Keywords: Digital Media, Political and Governance Institutions, Electoral Processes, People Representation, Digital Disinformation, Democracy, Digital Economic, Social issue

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- and practical aspect of Democracy and Governance in a Digital Era

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KATA PENGANTAR

Bismillahirrohmanirrohim

Assalamu'alaikum Wr. Wb.

Puji syukur kehadirat Allah S.W.T, Tuhan Semesta Alam Yang Maha Esa. Alhamdulillah, sebagai ucapan syukur kehadirat Allah Subhanahu Wata'ala kami dapat menyelenggarakan The 6nd Proceeding International Conference And Call Paper dengan tema "*Democracy In Digital Era : Law, Governance, Sosial And Economic Perspective In Asia, Australia And Dutch*" terselenggara dengan baik. Pemilihan tema tersebut dipilih karena pada era searang ini kita dihadap kan dengan era industri 4.0, dimana para kandidat doktor dituntut untuk bisa menyesuaikan dengan perkembangan global dan meningkatkan kompetensi keilmuan serta kemampuan.

Pada seminar ini telah dipresentasikan hasil penelitian dosen dan mahasiswa yang diikuti oleh peneliti-peneliti dari berbagai universitas yang telah mebahas berbagai keilmuan Hukum dan Humaniora.

Sesungguhnya keberhasilan dalam mencapai tujuan pendidikan yang dicitacitakan sangat tergantung pada sikap mental, partisipasi serta disiplin setiap unsur yangterlibatdalamprosesbelajarmengajar.Mudah-mudahan seminar Internasional yang sederhana ini dapat memberi sumbangsih dalam mencerdaskan bangsa Indonesia serta semoga Allah SWT selalu menyertakan ridho-Nya. Amin. Akhir kata, kami mengucapkan terima kasih kepada pimpinan Universitas Islam Sultan Agung, pimpinan fakultas Hukum Unissuala, pemakalah, editor dan serta pihak-pihakyang telah membantu terselenggaranya seminar ini dengan lancar tanpa hambatan suatu apapun.

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Enforcement Of Criminal Law Against Premanism In Terminal Mendolo Wonosobo

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Abstract

Law enforcementis a system in which there are members of the government who act in an organized manner to enforce the law by finding, blocking, restoring, or punishing people who violate the laws and legal norms that govern the society where the law enforcement members are located. Thuggery is a pejorative term which is often used to refer to the activities of a group of people who earn their income mainly from extortion from other groups of people. Thuggery in Indonesia has existed since the Dutch colonial era. The term preman itself comes from the Dutch language, namely vrijman which means free people or do not have work ties with the government or certain other parties. The phenomenon of thuggery in Indonesia has started to develop until now when the economy is getting more difficult and the unemployment rate is getting higher. As a result, working age groups began looking for ways to earn income, usually through extortion of any kind. However, if we look at it for now, the main factor in the emergence of thuggery is the lack of education and the lack of good moral cultivation for the people. So that it causes a moral decline which is so concerning for this nation. It is not uncommon for acts of thuggery to lead to fatalities and death conditions that are quite dire. This fact is certainly a serious threat to the peace of the people in the country, especially in the Mendolo terminal, Wonosobo Regency. The presence of thugs clearly disturbs public order and order. In fact, their commotion in public spaces tends to be a threat and spread fear in society.

Keywords: Law Enforcement, Thuggery, extortion

I. Introduction

Thuggery in Indonesia has existed since the Dutch colonial era. The term preman itself comes from the Dutch language, namely vrijman which means free people or do not have work ties with the government or certain other parties. In the civil sphere, freeman (free people) here means people who feel they are not attached to a particular social structure and system. In the military realm, freeman (free person) means people who have just finished carrying out their official duties (military) or are not currently on duty (military).¹

Another definition states that thugs are a criminal community group, they exist and grow in society because of the fear created from their physical appearance as well as from their habits, depending on their

^{1.} Ida Bagus Pujaastawa dalam Ali Mustofa Akbar. 2011. Premanisme Dalam Teori Labeling, p.4

daily activities on negative actions such as brokering, extortion, extortion, coercion and theft. take place quickly and spontaneously. This is categorized as a criminal act. A criminal act is an act / act / violation where the act of the violation can be subject to criminal sanctions based on law.²

Sociologically, the emergence of thuggery can be traced to gaps in the structure of society. The gap here can be in the form of material and also the incompatibility of a group in the social structure of society, not accommodating individual or group interests in a certain social structure. These gaps and mismatches give rise to protests and dissatisfaction with certain individuals or groups within a society structure and then trigger the emergence of thuggery practices in society.

Thuggery is behavior that is unsettling and can disrupt public security and order. The current thuggery actions are increasing after there are some members of society who are not able to experience economic welfare like other members of society. Most of those who practice thuggery do not have jobs and do not have adequate skills, so they look for shortcuts by bullying, extorting, robbing, and intimidating.

An example of thuggery at the Mendolo bus terminal, Wonosobo Regency is collecting illegal fees from drivers, traders and shops around the terminal, which if rejected will affect the safety of drivers and their vehicles passing through the terminal, threats to the safety of merchants and security against merchandise as well as stores.

Studying crime means studying things related to actions committed by certain people where the act is an act that violates the law (or violates other norms of social behavior).

Why certain people commit an act which is categorized as a crime while other people do not commit these acts is something that must also be explained by criminology because it cannot be separated from the explanation of the crime itself. The social reaction to crime and criminals is also an important factor in explaining why crimes can occur in society and be committed by certain people. One of them is primanism. Simply put, we know that thuggery is an act of violating the law (criminal and social behavior norms), which is disturbing. The community will give negative sanctions for this action.

Based on the description above, this article intends to answer the problem of how to enforce the law against thuggery in Wonosobo Regency, as well as what factors cause thuggery at the Wonosobo Mendolo terminal?

II. RESEARCH METHODS

This research uses a sociological juridical approach, which is in dealing with problems that are discussed based on applicable regulations and then linked with the realities that occur in society. In supporting and completing secondary data, field research was conducted to obtain primary data. Primary data obtained through interviews

Research Specifications To approach the main problems in this study, descriptive analysis was used. This research describes the facts, circumstances and phenomena that occur. In this paper, the author intends to describe thuggery in the Mendoo Bus Terminal, Wonosobo Regency.

III. DISCUSSION

A. Law enforcement against thuggery in Wonosobo District

a) Thuggery is a phenomenon

^{2.} Ira Alia Maerani, Hukum Pidana dan Pidana Mati, Unissula Press 2018, p. XVII

Thuggery is a pejorative phenomenon that is often used to refer to the activities of a group of people who earn their income, especially from the extortion of other groups of people. Thuggery in Indonesia has existed since the Dutch colonial era. In studying the social reactions to thuggery crimes, we must distinguish them through formal reactions and informal reactions. Meanwhile, according to the objective, the social reaction can be divided into repressive and preventive reactions. The formal reaction to crimes and criminals is manifested by the existence of state institutions that have formal authority, namely through the criminal justice system. This system consists of the police, prosecutor's office, courts and correctional institutions. This criminal justice system is responsible for enforcing the law. They try to keep the law in society from being violated by members of the community, and if there is a violation of the law they will give a formal reaction in the form of,³

b) Thuggery is a criminal offense.

According to the criminal law, the legal events committed by these thugs are categorized into the Criminal Code (KUHP) such as theft with the threat of violence (Article 365), extortion (368 KUHP), rape (Article 285). , maltreatment (Article 351), committing acts of violence against people or property in public (Article 170) and even committing murder (Article 338) or premeditated murder (Article 340), drunken behavior in public (Article 492) which of course can disturb order general and cause unrest in the community.⁴

In accordance with the mandate of the 1945 Constitution, the duty of law enforcing State officials, namely the Indonesian National Police (Polri) which is based on Law No. 2 of 2002 concerning the Indonesian National Police, in particular Article 13 reads; "In carrying out their duties, the Police have Main Duties⁵.

- a. Maintaining security and public order,
- b. Enforcing the law,
- c. Protect, protect and serve the community.

The police, in this case, is related to their function as protecting the community and has a very big role in the effort to combat thuggery. It is hoped that the police will be able to take appropriate actions in responding to the phenomenon of thuggery in society. Broadly speaking, the police's job is to provide a sense of security to the community. However, recently thuggery has become rampant in Indonesia, especially in small cities, one of which is the Mendolo Wonosobo Terminal. With these thugs, Law No. 2 of 2002 on the Indonesian National Police, Article 13 4 makes the public feel uncomfortable and anxious. In other words, the thuggery in the Mendolo Bus Terminal, Wonosobo Regency, makes the community very insecure. The existence of this situation, the authorities cannot remain silent. They will make efforts to restore the safety and comfort of their people. Based on this, it is interesting to study the problem of handling thuggery by the Indonesian National Police, particularly in Wonosobo Regency.

c) Thuggery in Wonosobo Regency

It is alleged that thuggery in Wonosobo grew from natural conditions that were geographically striking, which were economically imbalanced and low education. These

3. M. Kemal Dermawan, M.Si. Ruang Lingkup Studi Kriminologi, Universitas Terbuka, p. 1.22

4. Book 3 of the Criminal Code (KUHP)

^{5.} Law No. 2 of 2002 on the Indonesian National Police, Article 13

disparities and mismatches give rise to protests and dissatisfaction with certain individuals or groups within a society structure and then trigger the emergence of thuggish practices in society.

B. The factors that cause thuggery in the terminal Mendolo Wonosobo

Most of those who practice thuggery do not have jobs and do not have sufficient skills, born from broken families. If not, their ancestors were former thugs. Some of them are thugs because of their compulsion, and some of them being thugs is a matter of pride. Pride where they can control power, frighten, and can even protect their family, environment and even their village. Being a thug is a promising job. Can easily earn income. The path chosen was bullying, extortion, robbery, and intimidation. The tendency of thuggery in Wonosobo Regency is divided into:

- a. Economic Factors
- b. Educational Factor
- c. Heredity factor
- 1) Economic Factors

The percentage of poor people in Wonosobo Regency which is now at 22.08% is the worst in Central Java. Being below the percentage of poverty in Central Java Province which is 14.44% and the National 11.47%, this is the most protruding sequence that makes Wonosobo Regency and 14 other districts in the red zone of the Central Java Province poverty map, and becomes a priority target to be overcome. The factors that significantly influence the poverty level in Wonosobo Regency are the percentage of the number of families who have slum settlements, the percentage of the number of families suffering from malnutrition, and the percentage of the number of families who own agricultural land.⁶

2) Educational Factor

As explained in Article 31 of the 1945 Constitution, the State guarantees that every Indonesian citizen has the right to education, however, it can be seen in the District Human Development Index (IPM). Wonosobo is at 66.19 in 2016 and is in the 4th lowest rank of all districts / cities in Central Java. Different from the regency of aboutga, namely Temanggung with 67.60 and Purworejo with 70.66. Meanwhile, the average HDI in Central Java Province itself is at 69.98 and the national HDI is 70.18, which means that the HDI in Wonosobo is still far from the average.⁷

Central Java Province BPS data shows that the Gross Enrollment Rate (APK) based on the level of education in Wonosobo Regency is very "unequal". In 2016 the APK at the SD / MI level in this cold city was at 112.89, SMP / MTs at 87.73, and SMA / MA at 59.56, dropped very drastically, right? As it is interpreted that GER is the ratio of the number of students (all ages), who are currently attending a certain level of education to the total population of the age group at the level of education, this implies that the APK of Wonosobo Regency is of great concern. Moreover, the APK for SMA in Wonosobo Regency is below Brebes with 63.88, while Temanggung is a neighboring district with 75.62 and the average for Central Java Province is 86.27.⁸

The early marriage rate in Wonosobo is the second highest in Central Java. The Department

^{6.} Gaussian Journal Vol. 2, No. 1, 2013 Page 68, downloaded12 October 2020 13.30

^{7.} https://blog.wonosobomuda.com/sisi-kelam-pend Pendidikan-di-wonosobo/ downloaded 12 October 2020 13.30

^{8.} Badan Pusat Statistik Jateng. 2016. Indeks Pembangunan Manusia dan Angka Partisipasi Sekolah Provinsi Jawa Tengah. BPS Provinsi Jateng

of Family Planning for Women Empowerment and Child Protection (DPPKBPPPA) of Wonosobo Regency noted that the average number of marriages for residents in Wonosobo in 2016 was only 16.7 years. This means that the majority of Wonosobo's residents are married to the equivalent of high school graduates.

3) Heredity factor

A myriad of tourism potentials, who would have thought that 15 years ago Wonosobo was one of the tense and unsafe cities. Fighting between villagers, disturbing acts of thuggery and high crime rates are bad marks for this district. Now more literate and safe, this cannot be separated from the role of the Wonosobo regional government in successfully approaching the community.⁹ Judging about who is a thug in the present, they are from the descendants of thugs in the past, aka they have been passed down from generation to generation.

IV. CLOSING

A. Conclusion

- 1. Thuggery at the Mendolo Wonosobo terminal is a phenomenon and a criminal act. Premanisme The term preman comes from the Dutch vrijman which means free people or do not have work ties with the government or certain other parties. In the civil sphere, freeman (free people) here means people who feel they are not attached to a particular social structure and system. The thuggery which is increasingly troubling encourages the search for various alternatives to overcome these phenomena, both by law enforcers and by legal experts. Must find an appropriate formula and can handle it. Preman in general are not tried in court, unless the preman's act has resulted in a criminal act. Preman who are tried for example will be sentenced to imprisonment, imprisonment, or a fine. But in most cases, thugs who did not commit the crimes threatened in the Criminal Code (KUHP) or similar laws, were only given direction and guidance. The main duties of law enforcers are: Maintaining public security and order; Enforce the law; and Provide protection, protection, and services to the community. However, thuggery crimes are a reality that exists and needs to be followed up in the community. and services to the community. However, thuggery crimes are a reality that exists and needs to be followed up in the community. and services to the community. However, thuggery crimes are a reality that exists and needs to be followed up in the community.
- 2. Based on the foregoing, the authors are interested in conducting research on what factors cause thuggery to flourish in Wonosobo Regency and even from generation to generation. These factors include economic, educational and hereditary factors, thuggery is triggered by these factors causing them not to work and have to survive, initially they do whatever they can to make money, they also put physical and psychological pressure on them, so that they want to support their needs. The attitudes, actions and behavior of thugs are known as thuggery.

B. Suggestion

- 1. It is better if thugs who are proven to have committed their actions, especially those who have committed criminal acts, should be tried in court and sentenced to imprisonment, imprisonment, or fines, not only guidance, according to the Criminal Code (KUHP) so that they are deterred and not disturbed.
- 2. There is a synergistic formulation and government support in alleviating poverty, compulsory

9. https://marketeers.com/wonosobo-pun-bertranformasi-menjadi-kabamatan-unggul/diunduh 12 October 2020 at 14.30

education and law enforcement in eradicating thuggery.

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