

The Role of the Police in Eradicating Violent Theft in the Jurisdiction of the Central Java Regional Police

Dimas Widya Mahardika¹⁾ & Achmad Sulchan²⁾

¹⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: DimasWidyaMahardika.std@unissula.ac.id

²⁾Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail: achmadsulchan@unissula.ac.id

Abstract. *The purpose of this study is: 1). to study and analyze the role of the police in eradicating violent theft in the jurisdiction of the Central Java Regional Police; 2). to study and analyze the obstacles to the role of the police in eradicating violent theft in the jurisdiction of the Central Java Regional Police. This study uses a sociological legal approach, with a descriptive analytical research method. The data used are primary and secondary data which will be analyzed qualitatively. The research problems are analyzed using Lawrence Friedman's legal system theory and the Theory of Legal Objectives. The results of the study conclude that: 1) the role of the police in eradicating violent theft in the jurisdiction of the Central Java Regional Police is to carry out preventive efforts, namely prevention of violent theft. Repressive efforts, namely taking action against perpetrators of violent theft through investigation and inquiry; 2). Obstacles to the role of the police in eradicating violent theft in the jurisdiction of the Central Java Regional Police include: (a) the integrity factor of law enforcers, (b) legal factors, (c) the lack of officials carrying out the function of supervising investigations, (d) the factor of implementing sanctions against investigators who are proven to have committed violations in the investigation process. Efforts to overcome obstacles require fostering the professionalism and integrity of police members who serve in the jurisdiction of the Central Java Regional Police, namely the law must provide strict sanctions for perpetrators of violent theft, investigative officials must optimize their duties and obligations as investigators, if investigators violate their duties, they must be sanctioned administratively and in accordance with the provisions of the police code of ethics*

Keywords: *Criminal; Crimes; Police.*

1. Introduction

Crime is a complex phenomenon, which can be understood from various different

sides. That is why in our daily lives we can catch various comments about a crime event that differ from one another. In addition to being something that is completely unpleasant for the party affected by the crime, on the one hand crime is also difficult to eliminate from the face of this earth. Therefore, in social reality there are various perspectives related to a crime that differ from one another. Crime in its various forms will continue to be found both in developed and developing countries, only the numbers are different.

One of the crimes that often occur in society is the crime of theft, this is due to various factors, especially the economic factors of the community itself. The crime of theft is the act of taking other people's property secretly and unjustly from the place where the property is stored.¹Indonesia is a country of law, where every applicable provision is always guided by a legal system that applies nationally.²

The resolution of criminal cases in Indonesia has been regulated in formal procedural instruments that have been established by the state. These rules are stated in the Criminal Procedure Code (KUHAP), which serves as a guideline in resolving criminal cases. Unfortunately, in practice, formal law is often used as a repressive tool for law enforcers. This concept is strongly influenced by the views of criminology and sociology, which seek to find solutions to conflict resolution from the perspective of the philosophy of punishment.

The philosophy of punishment has evolved from the concept of retribution, to the concept of improving the perpetrator, to the concept of punishment as an education program for the perpetrator. Thus, it results in the neglect of attention to the victim, even though law enforcers who represent the State, in addition to enforcing the existence of the law to achieve legal objectives, should also represent the victim to prosecute the perpetrator as a form of protection for the victim as a citizen. Several criminal cases, such as "theft", and other crimes are decided far from a sense of injustice, both for the suspect, the victim, and the community. This raises questions about how effective the punishment process in Indonesia is in overcoming crime in society. The ultimate goal of punishment is to provide a deterrent effect for the perpetrator, create security and peace in society and to enforce the rule of law. All forms of punishment need to consider the parties involved in the crime. In formal law in Indonesia, more attention is focused on the perpetrator of the crime, while the victim does not receive attention from the state. The imprisonment system, as a solution to deter the perpetrator, turns out to be ineffective because it is unable to reform the behavior of the perpetrator. Therefore, it is necessary to consider other approaches to resolving criminal cases, in order to realize the objectives of punishment as above.

Positive criminal law or KUHAP contains several regulations regarding the crime of theft, including: Article 363 paragraph (1) point 3 theft at night in a house or

¹Wahbah Zuhaili, *Fiqh Imam Syafi'i*, (ter: Muhammad Afifi, Abdul Hafiz), Volume 3, (Jakarta: Almahira, 2010), p. 294

²Wirjono Prodjodikoro, *Unlawful Acts*, (Bandung: Mandar Maju, 2000), p.1

closed yard where there is a house, carried out by a person who is there unknown or not wanted by the entitled party. Article 363 point 4 theft carried out by two or more people. And Article 363 point 5 theft which to enter the place of committing the crime, or to get to the goods taken is done by damaging, cutting or climbing, or using a fake key, fake orders or fake official clothing. And Article 363 paragraph (2) if the theft described in point 3 is accompanied by one of the things in points 4 and 5, then it is threatened with a maximum prison sentence of nine years.³

The police not only function as law enforcers but also function as servants, protectors and guardians of the community, namely to protect human dignity, maintain public order and handle crimes both in the form of actions against perpetrators of crimes and in the form of crime prevention efforts with the aim that citizens can live and work or carry out their activities in a safe and peaceful state. With this principle, it is hoped that there will be a police that is close to its community, which changes from an antagonistic police to a protagonist police.⁴ Therefore, in enforcing or guaranteeing public security and order, sanctions or punishments are required. In the event of a violation or criminal act against legal norms, the government through the Indonesian National Police has the duty and obligation to take legal action. In order to prevent criminal acts against the community, the police have the authority regulated in Article 15 paragraph (1) letters (a) to (j), and Article 16 paragraph (1) letters (a) to (i) and paragraph (2) of Law Number 2 of 2002 concerning the Indonesian National Police.

Theft with violence in the legal perspective is one of the criminal acts (delict) that disturbs and harms society. Regarding what is called violence, it can be included in the definition of violence, namely any use of physical strength that is not too light. Theft with violence is one of the social diseases that is united with crime, which in the historical process from generation to generation, it turns out that this crime is a crime that harms and tortures others.⁵ Therefore, efforts need to be made to prevent society from committing theft with violence against other people.

A criminal act of theft regulated in Article 365 of the Criminal Code is also a theft with qualifications or is a theft with aggravating elements. Thus, what is regulated in Article 365 of the Criminal Procedure Code is actually only one crime, and not two crimes consisting of the crime of theft and the crime of using violence against people, from the crime of theft to the crime of using violence against people. It is clear that in essence, theft with violence is an act that is contrary to religious norms, morals, decency and law, and is dangerous to the lives and livelihoods of

³KUHAP (Criminal Code), and KUHAP (Criminal Procedure Code), (Pustaka Mahardika), p. 108

⁴Rudi Cahya Kurniawan, *Implementation of Police Duties in the Era of Change: Community Policing Model, Law Enforcement & Local Wisdom*, (Yogyakarta: CV. Budi Utama, 2020), pp. 4-5

⁵Batu, FL, Siregar, T., & Muazzul, M. (2020). The Role of the Police in Eradicating Violent Theft in the Patumbak Area (Case Study at the Patumbak Police). *JUNCTO: Scientific Journal of Law*, 2(1), 68-77.

society, the nation and the state.⁶Viewed from the perspective of national interests, committing theft with violence is negative behavior and is detrimental to public morals.⁷

The police are a subsystem in the criminal justice system that is quite decisive in determining the success and work of the entire system in providing services to the community. This is because the police are a subsystem that is directly related to perpetrators of criminal acts and the community, so that the duties and responsibilities of the police can be said to be greater than other subsystems.⁸The Indonesian National Police as an organization that is in the service sector and also an organization that has the power to maintain security and social order that has met legal standards.⁹

Based on the background description above, the author is interested in writing a thesis entitled "The Role of the Police in Eradicating Criminal Acts of Theft with Violence in the Jurisdiction of the Central Java Regional Police."

This study aims to: 1). to study and analyze the role of the police in eradicating violent theft in the jurisdiction of the Central Java Regional Police; 2). to study and analyze the obstacles to the role of the police in eradicating violent theft in the jurisdiction of the Central Java Regional Police.

2. Research Methods

This study uses a sociological legal approach, with a descriptive analytical research method. The data used are primary and secondary data that will be analyzed qualitatively. The research problems are analyzed using Lawrence Friedman's legal system theory and the Theory of Legal Objectives.

3. Results and Discussion

3.1. The Role of the Police in Eradicating Violent Theft in the Jurisdiction of the Central Java Regional Police

In the life of the nation and state, security is a determining factor in the life of the nation and state, the implementation of a sovereign and authoritative government is the main requirement that supports the realization of a just, prosperous,

⁶Userlina, A. (2020). The Role of the Police in Combating Violent Theft in the Jurisdiction of the Payakumbuh Police. *Encyclopedia of Social Review*, 2(3), 314-324

⁷Batu, FL, Siregar, T., & Muazzul, M. (2020). The Role of the Police in Eradicating Violent Theft in the Patumbak Area (Case Study at the Patumbak Police). *JUNCTO: Scientific Journal of Law*, 2(1), 68-77.

⁸Eddy Santoso, Sri Endah Wahyuningsih, Umar Ma'ruf, The Role of the Police in the Integrated Criminal Justice System in Combating Gambling Crimes, *Jurnal Daulat Hukum* Vol. 1. No. 1 March 2018.

⁹Natalia Budi Darma, Sri Endah Wahyuningsih, Latifah Hanim, Criminal Law Formulation Policy in Combating Terrorism Crimes in Indonesia, *Jurnal Daulat Hukum* Vol. 1. No. 1 March 2018

prosperous and civilized civil society based on Pancasila and the 1945 Constitution of the Republic of Indonesia.¹⁰

Criminal law enforcement is part of the (criminal) law enforcement mechanism, so that punishment, which is usually interpreted as "punishment", is nothing more than a "policy process" that is deliberately planned.¹¹In the Criminal Code (KUHP), the crime of theft is regulated in articles 362-367 and it is also explained that theft is classified into 5 groups, namely ordinary theft, aggravated theft, minor theft, theft with violence and theft in the family. Each typology of theft has different characteristics and elements. In addition to having different characteristics and elements, theft also has different criminal sanctions or punishments, this is clearly regulated in the Criminal Code.¹²The definition of a thief in short is someone who commits an act of theft. The definition of a thief in the legal dictionary is not written and explained clearly, but in the legal dictionary it explains the meaning of the word theft, namely taking someone else's property without permission or in an illegal way with the intention of being owned unlawfully.

In Lawrence M. Friedman's theory, this is referred to as a structural system that determines whether or not the law can be implemented properly. The legal structure based on Law No. 8 of 1981 includes: starting from the Police, Prosecutor's Office, Courts, and Criminal Execution Agencies (Lapas). The authority of law enforcement agencies is guaranteed by law so that in carrying out their duties and responsibilities they are free from the influence of government power and other influences.

Feelings of dissatisfaction in life and envy towards others are often the reasons for someone to commit a crime. They feel they have to be able to follow the trend of the times and also equate with the lives of other humans. But in reality, the ability to fulfill the lives of each person is very different. Especially as the head of the family who tries hard to meet the needs of his family, sometimes they have to think hard to be able to fulfill everything at least enough. Not to mention the education of their children and also their lifestyle, parents usually feel that they have given the best for their children so that they do not seem to be ridiculed by other people around the neighborhood. Therefore, the economy that does not support all of that makes the perpetrators blind and because they see an opportunity to commit a crime. Committing a crime does not need to be learned from someone who is an expert, because all of that can be from observing events that have occurred.

¹⁰Muhammad Zubaidi, Sri Kusriyah and Peni Rinda Listyowati, *The Law Enforcement against Criminal Acts of Violence by Children*, *Law Development Journal*, Volume 4 Issue 3, September 2022

¹¹Feri Vernando Situngkir and Siti Rodhiyah Dwi Istinah, *The Enforcement of Criminal Laws of Hate Speech in Social Media*, *Law Development Journal*, Volume 2 Issue 4, December 2020.

¹²Imron Rosyadi, Marli Candra, Abdul Khaliq, Khalid Gibran, Akiya Qidam, *Victim Precipitation in the Crime of Theft (a victimology approach)*, (Pamekasan: Duta Media Editorial Team, 2017), p. 3

Perpetrators of violent theft usually carry out their actions between 18.00-03.00 WIB. However, it is possible that they can also take place at other times such as in the morning, afternoon or evening. This shows that there is no specific time that is used as a reference for the occurrence of the crime.⁶⁹ One example of a violent theft case that occurred in the afternoon was when a female police officer came out of a restaurant in North Semarang and without a long delay the bag carried by the victim was pulled by the perpetrator so that the victim lost her balance which caused the motorbike she was riding to lose control and fall on the highway. As a result of this incident, the victim suffered a broken leg. The opportunity in every condition is used by the perpetrators to carry out their actions. They ignore the local conditions, which they believe is an opportunity to commit violent theft and succeed in taking property from the victim. The impact felt in the Semarang City area itself due to the rampant cases of violent theft can be said to have no impact that requires special handling by the authorities. The reason is, there is no reduction in community activities such as: restrictions on going out at certain hours, prohibitions on going out alone after 10 o'clock for women, prohibitions on gathering for communities and others. However, it does not immediately make the community continue to be careless in this matter, but rather makes the community more alert and anticipate with their own awareness. The reason is that it is clear from various cases that have occurred, cases of violent theft that occurred on the street, the perpetrators do not look at who the victim is, do not look at the time and level of crowd. Because the perpetrators only emphasize the aspect of opportunity that exists at the time of the incident.

The crime of violent theft (*curas*) that occurs in Central Java can be said to be very high because from the data of the last three years there has been an increase although not that significant. The low level of economy and lifestyle patterns of the community make them commit crimes to meet their needs. The abilities they have, make it easy for them to carry out their actions without thinking twice and without thinking about the cause and effect that will be caused especially for themselves. The perpetrators of violent theft (*curas*) carry out their actions in a sane or conscious state, not under the influence of alcoholic beverages. Because it is impossible if the perpetrator is under the control of alcohol or drunk to ride a motorbike at high speed, because logically if someone is drunk to stand up must be staggering. So it is certain that the perpetrator when carrying out his actions was in a sane or conscious state not because he was influenced by alcohol.

Based on Article 1 paragraph (1) of Law No. 8 of 1981 concerning Criminal Procedure Law and Article 1 paragraph (1) of Law No. 2 of 2002 concerning the Republic of Indonesia National Police, which states that: "Investigation is a series of actions by investigators in matters and according to the methods regulated in the Law to seek and collect evidence with which the evidence sheds light on the crime that occurred and in order to find the suspect." From this article, investigation is an activity that is continuous between one activity and another, where the investigation activities can be classified into 4 (four) groups, namely

investigation activities; coercive efforts; Examination and Settlement and Handing Over of Cases.

In the implementation of the investigation function, the main executor at the KOD level is the Criminal Investigation Unit, led by an officer called the Head of Criminal Investigation Unit, who in its implementation is responsible to the Police Chief, and assisted by the heads of units. The head of the unit as the front line manager who directly supervises the investigators/assistant investigators and investigators who are members, who have the task and function of carrying out investigation activities in order to reveal cases. In order to reveal cases through a process of investigation activities that are carried out professionally, proportionally, effectively and efficiently, the driving force, organizer and controller of investigations in revealing criminal cases are carried out by the Kanit and Kasat Reskrim for all units based on managerial capabilities and technical and tactical capabilities of investigation. In carrying out investigation activities in order to reveal cases, investigators/assistant investigators are given legal authority that is coercive and can even seize a person's basic rights in the interests of the law in order to find suspects of criminal acts and prove them based on valid evidence (Article 184 of the Criminal Procedure Code). With the legal authority held by the investigators/assistant investigators and/or investigators, they encourage a person or group of people who, for their own interests, establish a mutually beneficial relationship with the investigators, assistant investigators without paying attention to the applicable legal regulations.

The limited resources of the Criminal Investigation Unit and the inadequate welfare of its members have resulted in deviations in the implementation of investigation activities. And in the activities of collecting data, information, and statements related to a criminal case, both regarding the existence of evidence or the actions of someone suspected of being a perpetrator of a crime, members still often use threats of violence or violence so that the case can be revealed immediately. To increase the disclosure of cases and eliminate deviations that occur, the Head of the Unit and the Head of the Unit have a very strategic role, where the Head of the Unit directly supervises the investigators/assistant investigators in their unit, and the Head of Criminal Investigation Unit as the person in charge of the Criminal Investigation Unit activities, to achieve the targets and objectives set by the leadership, in addition to having managerial skills and technical and tactical investigative skills, must also be supported by the commitment of all Polres leaders in particular and the Indonesian National Police in general in a hierarchical manner.

Before the concept of Community Policing was launched, especially in developed countries, the implementation of police duties, both in maintaining security and order and law enforcement, was carried out conventionally. The police tended to see themselves solely as holders of authority and the police institution was viewed solely as a state tool so that the approach of power and even repressive actions often colored the implementation of police duties and authorities. Although the

principles of "serving and protecting" (to serve and to protect) were emphasized, bureaucratic, centralistic, and uniform approaches colored the presentation of police services.

This style of policing encourages the police to prioritize the mandate of the central government and ignore the 'consent' of the local community being served. In addition, the police tend to develop an attitude that presents itself as a formal figure, and exclusive from other members of society. In the end, all of this results in the fading legitimacy of the police in the eyes of the public on the one hand, and the decreasing public support for the implementation of police duties and the poor image of the police on the other hand. Conditions such as those stated in letter a, also occur in Indonesia, especially when the Police are made an integral part of the ABRI and the police are ABRI soldiers who in carrying out their duties are colored by rigid attitudes and actions, even disproportionate militarism.

Such policing is also characterized by, among other things, the implementation of police duties, especially law enforcement, which is authoritarian, rigid, harsh and less sensitive to the public's need for security. On the other hand, the implementation of daily police duties prioritizes law enforcement, especially to combat criminal acts. Based on MPR Decree Number II/MPR/1993 concerning the General Guidelines of State Policy relating to the Self-Reliant Public Order and Security System, the Indonesian National Police is tasked with the task of fostering Public Order and Security, played by the Babinkamtibmas as the front line. This approach positions the public as if it were only an object and the police as a subject who is "more than enough" so that they are considered figures who are able to handle and resolve all Public Order and Security problems faced by the public. In line with the shift in human civilization, universally, especially in developed countries, the public tends to be increasingly 'saturated' with the bureaucratic, official, formal/rigid, general/uniform and other ways of government institutions in providing public services.

There is a tendency for society to prefer personal approaches that emphasize problem solving rather than just being fixated on rigid legal formalities. In the field of law enforcement, especially those concerning disputes between citizens, resolution with informal mechanisms is considered more effective than the formal criminal justice system process which often does not provide a meaningful role for victims in making decisions to resolve the problems they suffer. Towards the end of the 20th century, a paradigm shift began to mark a change in approach in human life. Universally, society tends to become bored with the bureaucratic, official, formal and rigid ways of government institutions. In line with the development of this civilization, various concepts of the police approach were introduced, tested, such as Team Policing, Problem Oriented Policing, Neighborhood Watch, Citizen Oriented Police Enforcement (COP), Community Oriented Policing and others. All of this is aimed at realizing a proactive police system that meets the expectations and needs of the community so that it is more effective in carrying out its mission as a law enforcer and maintainer of public security.

The approach that emphasizes building partnerships with the community and solving these problems is ultimately popular with the name of the Community Policing (CP) model. Community policing has been implemented in many countries with various characteristics. The community policing model implemented in one country is not the same as that implemented by another country. These differences are due to various things, including; social, political and economic conditions as well as different cultural backgrounds. Because of these differences, the definition of Polmas is also somewhat different from one to another. The concept of Community Policing is actually not a new concept for the Indonesian nation.

The philosophical and practical values of community policing have long been developed and used by the Indonesian National Police in carrying out its duties. Siskamswakarsa with its various activities is basically a practical form of implementing community policing values. The Indonesian National Police officially implemented the Polmas or "Community Policing" model which is a harmonious combination of the community policing concept applied in several foreign countries with the Bimmas concept on October 13, 2005 with the issuance of the Decree of the Chief of Police with Number; Skep. /737/X/2005. With the issuance of the Decree, the Indonesian National Police officially implemented a typical Indonesian community policing model with the name or designation Polmas.

The concept of Polmas includes 2 (two) elements: policing and society. Literally, policing, which is a translation of the word "policing", means everything about the implementation of police functions. In this context, policing does not only involve the operationalization (tactics/techniques) of police functions but also the management of police functions as a whole, starting from top management to lower management, including the philosophical thoughts behind it. Society, to whom the police function is presented (public service) and accounted for (public accountability) has a broad meaning (society) that includes everyone without questioning their citizenship and residency status.

Polmas is a model for implementing police functions that emphasizes a humanitarian approach (humanistic approach) as a manifestation of civil policing and which places the community as an equal working partner in law enforcement efforts and fostering public security and order.

The Polmas philosophy needs to be instilled in every member of the Indonesian National Police so that it can be realized in attitudes and behavior in an effort to attract public sympathy and support. In line with that, the Polmas model also needs to be developed in a programmed manner in the lives of local communities (communities) so that it is a social institution that is managed jointly by the Indonesian National Police, regional/village governments and local communities in an effort to overcome disturbances to security and order. Polmas according to the Decree of the Chief of Police Number 737 of 2005 in its manifestation can be implemented as a strategy and also as a philosophy. Polmas as a philosophy

contains the meaning of a policing model that emphasizes relationships that uphold social/humanitarian values and displays polite attitudes and mutual respect between the police and the community in order to create conditions that support the smooth implementation of police functions and improve the quality of life of the community. As a philosophy, Polmas inspires the attitudes and behavior of all police members in carrying out their respective duties, roles and functions.

Moral, ethical, social and humanitarian values underlie the attitudes and behavior of officers in providing services or interacting with the community. The application of the Polmas model as a philosophy can be seen from the attitudes and behavior of all police members who are polite and courteous, transparent, uphold Human Rights, law and justice in serving the interests and interacting with the community. Polmas as a strategy means that the policing model that emphasizes equal partnership between the police and the local community in resolving and overcoming every social problem that threatens the security and order of the community and the tranquility of the lives of the local community is implemented with the aim of reducing the occurrence of crime and fear of crime and improving the quality of life of local residents. In this sense, the community is empowered so that it is no longer merely an object in the implementation of police functions but as a subject who determines in managing its own efforts to create a safe and orderly environment for the tranquility and safety of life together with the community facilitated by the police who act as Polmas officers in a partnership.

The manifestation of the Polmas concept at the local level allows local communities to maintain and develop their own security and order management based on social norms and/or local agreements by adhering to national legal regulations and upholding the principles of HAM (Human Rights) and individual freedom in a democratic society. Polmas is basically in line with the values contained in the Siskamswakarsa concept, which in its development is adjusted to the current implementation of police functions in today's civil society. Thus, the concept is not merely a plagiarism or full adoption of the general community policing concept. As a system, there are a number of elements in Polmas. However, in practice, what must absolutely be attempted are 2 (two) core components of Polmas, namely partnership and problem solving. The component that must absolutely be realized by officers in implementing Polmas is the existence of an equal partnership between the police and the community. This equal partnership in its implementation is implemented or operationalized in a forum called FKPM (Police Community Partnership Forum).

The second component that must also be realized by officers in the implementation of Polmas is problem solving. This means that Polmas activities are focused as much as possible on efforts to solve problems. The partnership built between the police and the community is intended as a vehicle for solving various problems in society or anticipating the occurrence of various problems in people's lives. Polmas as described above is not a new concept for the Indonesian police.

Siskamswakarsa which has long been developed and implemented by the Indonesian police has many similarities with the Polmas concept that is currently being developed. Various programs as the implementation of Siskamswakarsa are implemented throughout the Indonesian police area, such as: Siskamling, Bimmas Straal, Da'i Kamtibmas, Bimmas Pioner, Pokdar Kamtibmas and so on. The programs as mentioned above are driven/manned by police personnel with the rank of Bintara and therefore their existence and function are known as Babinkamtibmas. In carrying out their duties and functions, Babinkamtibmas visits residents in their assigned area while providing counseling on various matters related to fostering security and environmental order.

Various information can be obtained by Babinkamtibmas when conducting visits and coaching to the community. This information is used as input for designing the next activity program.

FKPM is a community organization that is independent, autonomous and in its activities is free from interference from any party, although its formation is carried out on the basis of a mutual agreement between the police chief, sub-district head/village head/village head and community leaders/local residents. FKPM can be called by other names and terms or with certain regional languages based on the agreement of the local community.

The main task of FKPM is to carry out activities related to the operationalization of community policing and to encourage the functioning of community policing institutions in order to resolve any problems of security and public order disturbances that occur and/or originate from within the lives of the local community.

Crime prevention efforts are continuously carried out by the police. Legal prevention efforts carried out by officers in the jurisdiction of the Central Java Regional Police include:

a. Preventive Actions.

In handling violent theft crimes, the first thing to do is prevention, because prevention is more effective than solving problems. In prevention efforts, what is done is to always appeal to the public not to travel at night or to always be vigilant by preparing themselves when traveling accompanied by relatives or family. In addition, the police need to form posts or patrols in areas where violent theft often occurs. For example, guarding yourself from becoming a victim of crime, not being negligent in locking your house/vehicle, installing lights in dark places and so on.

1) Individual.

Every individual must try to prevent crimes against themselves, for example, not traveling at night when it is late, trying to pass through quiet places during the day or before nightfall. Prepare yourself before leaving or bring personal protective equipment, take a ride or invite a friend. Individuals are always the target of

muggers, therefore everyone must try to avoid crimes against themselves, because crimes are always committed because of opportunities.

2) Public.

Society as a social creature must have the awareness to prevent crimes against members of society, by creating a night patrol community or voluntarily patrolling the RT, RW and Kelurahan areas. Society is an important element in preventing crime because society is a collection of several individuals who have power in national and state life.

3) Police.

The police as law enforcers have the duty and function to prevent crime in society. These duties and functions are an authority granted by the 1945 Constitution and the Police Law. In an effort to prevent violent theft, the police need to carry out several activities, namely, forming posts in areas prone to robbery or violent theft, conducting patrols, installing CCTV, and forming cooperation with the community.

b. Repressive efforts are law enforcement actions because a criminal act has been committed. These actions can be in the form of paralyzing the perpetrator, making arrests, investigations, inquiries and so on.

3.2. Obstacles to the Role of the Police in Eradicating Criminal Acts of Theft with Violence in the Jurisdiction of the Central Java Regional Police

The role and function of the police in realizing a just and prosperous society that is evenly material and spiritual based on Pancasila and the 1945 Constitution in the framework of the Unitary State of the Republic of Indonesia which is independent, united and sovereign and sovereign of the people in an atmosphere of a safe, peaceful, orderly national life in a friendly and peaceful world environment. The service provided by the Police to the community is by receiving reports and complaints from the community within 1x24 hours. The Police have directly provided a sense of security and comfort to the community in carrying out all their daily activities.

The crime of theft accompanied by violence is distinguished from ordinary theft as stipulated in Article 365 of the Criminal Code, namely Theft with violence is a crime against property. The violence committed in the theft has the purpose of preparing or facilitating the theft or if caught there is an opportunity for the perpetrator to escape so that the stolen goods remain in the hands of the perpetrator. Theft with violence is an attempt by the perpetrator to take the property of another victim by force if caught by the owner of the goods. Theft with violence is very detrimental to the victim because of the loss of goods, being abused which can cause minor injuries, major injuries, disability or even death. Therefore, theft with violence should not be allowed because it can be a neglect of law enforcement.

The crime of theft that disturbs society, disrupts security in society is one of the crimes that often occur in society, this is often heard in national news and in the

mass media. The crime of theft is often committed by people who are lacking, have low education, and have little understanding of religion.

Legal efforts to overcome the crime of theft with violence are carried out by the police. There are three basic functions of the police, including the following:

1. Prevent and detect crime
2. Maintain public order
3. Provide assistance to those in need

Apart from the three police functions above, the police function in this case is also as investigators and also as investigators in accordance with Article 1 paragraph (1) and (4) of the Criminal Code which states that the position of the police in the criminal justice system is as investigators and investigators.

At the investigation stage, all data and facts needed for the investigation of a criminal act can be collected. From the results of the investigation, a certainty is obtained that an event that was originally suspected of being a criminal act is indeed a criminal act and an investigation can be carried out on the criminal act, because all data and facts needed for the investigation of the criminal act have been collected.

The Role of the Police according to Law No. 2 of 2002 concerning the Indonesian National Police, which is contained in Article 5 Paragraph 1, which reads "The Indonesian National Police is a state apparatus that plays a role in maintaining public security and order, enforcing the law, and providing protection, care, and services to the community in order to maintain domestic security". The role includes norms that are associated with the police or a person's place in society.

The Republic of Indonesia Police as the protector of society and law enforcer in the structure of community life has a special responsibility to maintain public order and handle and overcome every criminal act in each region. The police have a very important function and role in terms of preventing and overcoming crime, both Preventive and Repressive, in order to minimize all crimes that are happening in every community life. The role of the Police for the lives of all communities is very important. Because, the community entrusts the Police to eradicate various types of crimes, especially in cases of Theft in the jurisdiction of the Central Java Regional Police.

The implementation of arrests of perpetrators of violent theft in the Central Java Regional Police area in several cases did not go smoothly, because some of the perpetrators resisted during the arrest process. Therefore, the team from the Central Java Regional Police with various considerations carried out shootings to paralyze the movements of the perpetrators. Usually the target of the shooting is focused on the legs or hands with the aim of only paralyzing them. The uncooperativeness of the perpetrators in the arrest process may result in resistance that could harm themselves or even harm the surrounding community. Therefore, the police in the arrest process must be able to control their emotions

in dealing with the perpetrators so that everything they do can help them in the arrest process, for example, shooting if there is resistance from the perpetrators. One example of a case handled by the Semarang City Police is the arrest of a perpetrator of violent theft who resisted arrest so that he was given hot lead in the leg by a team from the Semarang City Police. Not only on one leg but both legs were given hot lead by officers. However, conditions beyond human logic occurred, because the perpetrator was still able to stand upright and was even able to walk and still run like an ordinary human being who had nothing wrong with his legs. This incident is considered unacceptable to normal human reason, usually someone whose leg was shot with hot lead will have difficulty walking, this is also the case if it only happens to one leg, so if both legs were shot it is certain that standing is difficult, let alone walking or even running is impossible. The analysis from the officers is that the perpetrator has an immune ability that not everyone else has, which can be called a supernatural power. This incident is what made the source say he asked for permission to shoot in parts other than the hands and feet, in order to give the most deterrent effect on the perpetrator and can even be used as a lesson to the community not to commit criminal acts.

The police's handling of violent theft crimes is still not optimal due to several constraints faced, namely: In some cases of violent theft, the suspect can intentionally kill the victim, as a way to cover their tracks, so that no one knows the suspect's whereabouts. It will be difficult to conduct an investigation if the victim dies, because the main source of information about the incident has disappeared, so that the investigation of the case is considered to have reached a dark point. The suspect can kill the victim in an effort to control the goods and also to facilitate escape, especially if the victim had time to fight back. In this case, the investigator will lose key information from the victim, especially if there are no other witnesses who involve the presence of other people at the scene. The SPPA Law states that handling cases against children in conflict with the law must prioritize legal protection for children, by seeking diversion or settlement outside the courts. The crime of violent theft meets the requirements for diversion if it is committed by a child, because the criminal penalty for children is 4.5 years in prison, which is half the criminal threat. There are quite a lot of child perpetrators who become muggers. Likewise, violent theft in the house is not uncommon. They are usually groups of robbers or gangs involved in motorcycle gangs, or need money for drug consumption. Suspects who are not caught become obstacles in the investigation, because investigators cannot submit files with the suspect to the public prosecutor. There are many cases where suspects remain on the DPO status until their suspect status is declared expired. Perpetrators of violent theft have certainly made a detailed plan and are used to carrying out the intended plan. The perpetrators usually have planned how to easily escape. The perpetrators certainly realize that their actions are quite serious, so they will run away as far as possible to a different city or even run away to a remote village, so that their whereabouts become very difficult to find. Efforts to eliminate all

evidence are certainly always carried out by the suspect so that it makes the investigation of the case difficult, and this will certainly be planned carefully so that it can be free from the legal process. In planned theft, the suspect will even try to cover his head so that he is not recognized by the victim. In such conditions, of course, investigators cannot expect the victim to describe the face as the characteristics of the suspect. The perpetrator's attempt to remove evidence resulted in several cases of violent theft not being able to be followed up properly, so that the handling of the case was declared a failure even though the perpetrator was likely not far from the victim's location.

The police who have the function and duty as Law Enforcement Officers who protect and serve their community, by making various efforts and actions, prevention and handling so that community members can avoid theft and the consequences of crime that occur in society. Various actions are taken, including by providing counseling and information to community members regarding the consequences of theft socially and legally.

Social or non-legal actions are carried out through efforts to approach and educate the public about the dangers of theft. In addition, efforts to take action such as raids on crimes are carried out because the activity violates the law and other norms adopted in society. The Police have tried in various ways to eradicate crime. So, in essence, the criminalization policy is part of the criminal policy using criminal law (penal) means and therefore is part of the criminal law policy (penal policy). Efforts to overcome all forms of crime are always being pursued, the criminal law policy taken so far is nothing other than a step that is continuously explored and studied so that efforts to overcome these crimes are able to maximally anticipate criminal acts that in fact continue to increase.

The use of criminal law as a means to protect society from threats or disturbances of crime is actually a problem of criminal politics, namely a rational effort to overcome crime. In the life of governance, this is a policy of the state apparatus. The term policy in this article is taken from the term policy (English) or politiek (Dutch).

Based on these two foreign terms, the term criminal law policy can also be called criminal law politics. In foreign literature, the term criminal law politics is often known by various terms, including penal policy.¹³

According to Barda Nawawi Arief, if in the policy of combating crime or criminal politics criminal law efforts/means are used (penal), then the criminal law policy must be directed at the objectives of social policy which consists of policies/efforts for social welfare (social welfare policy) and policies/efforts for community protection (social defense policy).¹⁴

¹³Barda Nawawi Arief, *Selected Chapters on Criminal Law*, Citra Aditya Bakti, Bandung, 2013, p. 240

¹⁴*Ibid.*, p.241

Social policy can be interpreted as all rational efforts to achieve public welfare. So in the definition of "social policy" also includes "social welfare policy" and "social defense policy". Muladi, stated, the use of legal efforts (including criminal law) as one of the efforts to overcome social problems is included in the field of law enforcement policy.¹⁵

Obstacles encountered in handling violent theft crimes include:

- (a) law enforcement integrity factors;
- (b) legal factors;
- (c) the factor of the lack of officials carrying out the function of supervising investigations;
- (d) factors in applying sanctions to investigators who are proven to have committed violations in the investigation process.

4. Conclusion

The Role of the Police in Eradicating Violent Theft in the Jurisdiction of the Central Java Regional Police is to carry out preventive efforts, namely prevention of violent theft. Repressive efforts, namely taking action against perpetrators of violent theft through investigation and inquiry. Obstacles to the Role of the Police in Eradicating Violent Theft in the Jurisdiction of the Central Java Regional Police include: (a) the integrity factor of law enforcers; (b) legal factors; (c) the lack of officials carrying out the function of supervising investigations; (d) the factor of imposing sanctions on investigators who are proven to have committed violations in the investigation process.

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¹⁵Muladi, Selected Chapters on the Criminal Justice System, UNDIP Publishing Agency, Semarang, 2015, p. 35

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