

Optimization of Eradication of Gangster Criminal acts in Cases of Violence in Semarang City

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Abstract. *The emergence of new forms of crime, often referred to as white collar crime, does not immediately eliminate conventional forms of crime such as fraud, embezzlement, rape, assault, robbery, murder, theft and theft with violence. Among the conventional forms of crime mentioned above, there are a number of crimes that have the potential to cause disturbances to security, order and tranquility or cause unrest in society. One of these crimes is street crime committed by a number of people who are members of a community. The type of legal research used is analytical descriptive. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in the interactions between them. That the real reality of life does not exist in the empirical world which is also the world of observation, does not appear in the form of objectively patterned and structured behavior (let alone normative) and therefore can be measured to produce quantitative data. obstacles inoptimizing the eradication of cases of violence committed by gangsters in the city of Semarang, which consists of. The obstacle is the absence of criminal penalties that can create a deterrent effect for both the founders and organizers of gangster groups and for gangster members who commit violent crimes in society.*

Keywords: *Eradication; Inoptimizing; Obstacles.*

1. Introduction

The development of the dynamics of criminal acts that occur in society, can at least be seen in 2 (two) things, namely the emergence of new forms of crime and the increasing number of conventional crimes. Along with the flow of globalization, which is marked by the rapid development of science and technology, especially information and communication technology, it has given

birth to new forms of crime that are complex, transnational and organized with the support of professional management and sophisticated technology.¹

The emergence of new forms of crime, often referred to as white collar crime, does not immediately eliminate conventional forms of crime such as fraud, embezzlement, rape, assault, robbery, murder, theft and theft with violence. Among the conventional forms of crime mentioned above, there are a number of crimes that have the potential to cause disturbances to security, order and tranquility or cause unrest in society. One of these crimes is street crime committed by a number of people who are members of a community. Most street crimes are committed by a group of teenagers who are or have graduated from school. This occurs as a result of the social environment and family that no longer seriously instills the values of nobility and propriety in social environmental interactions.²

1) Internal Factors

When discussing the problem of delinquency or criminal acts committed by children, what we want to know is what is the background or factors that cause children to commit criminal acts. Internal factors that influence delinquent behavior by children are aspects of personality that come from within the child such as low self-concept, low social adjustment and problem-solving skills, excessive attitudes and low self-control. Self-concept is how individuals view themselves including physical and psychological aspects. The physical aspect is how individuals view their own body condition and appearance. While the psychological aspect is how the individual views their abilities, self-esteem and self-confidence. In a study conducted in Kendal, it was found that the dominant factor causing students to commit delinquency is the nature of the teenagers themselves. The study shows that students who commit delinquency are categorized as low (cheating), medium (truancy, smoking, having pictures or reading material containing pornographic content), to high categories (free sex, drinking alcohol, hitting, damaging or taking other people's belongings, fighting and brawling), because these students have excessive attitudes and have low self-control. Internal factors include the inability of adolescents to make social adjustments or adapt to the values and norms that exist in society. Evidence of the inability of children/adolescents to make social adjustments is the rampant criminal behavior by adolescents who are members of motorcycle gangs, truancy and their actions which are always related to criminal acts such as extorting other school children, forcing other adolescents to join their gangs and some members have committed criminal acts of motorcycle theft. This shows the

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

²*Location, cit.*

inability of these adolescents to behave adaptively, they have low social adjustment skills and problem-solving skills, attitudes. In addition, adolescents are in a developmental stage which is a transition from childhood to adulthood, with developmental tasks for finding identity, about what they are like and what they will become in the future. In this condition, these children are in the identity vs identity confusion development stage according to Ericson's classification. If successful, the child will reach the developmental stage of fulfilling a clear sense of self-identity, and conversely the child will experience identity confusion if they fail to pass this developmental stage. At this time, children and adolescents are also in a period of storm and stress, because at this stage of development they are no longer children who always depend on their parents and also not adults who are completely independent and autonomous, these children are still dependent on their parents especially in terms of economy where all their needs must still be met by their parents. There are times when experiencing these dual conditions, the psychological condition of adolescents is still unstable, so that it can lead to delinquent behavior and criminal acts committed by adolescents.³

2) External Factors

External factors that have a large influence on children with criminality are the family, in this case the condition of the family environment. The condition of the family environment during the development of children and adolescents has long been considered to have a relationship with the emergence of antisocial behavior and crimes committed by adolescents. Several studies on development delinquency and criminality in adolescents, it was found that criminal acts were caused by bad parenting experiences. The three parenting patterns of parents towards children, namely authoritarian, permissive and uninvolved parenting, cause a child to behave antisocially. In authoritarian parenting, parents apply very rigid discipline and are sometimes full of violence, it is not uncommon for children to experience bad, harsh, wasteful parenting and there is violence in the family when children are in the early stages of child development, then children will have low self-esteem. Not only that, children will also develop violent behavior towards their siblings and also develop antisocial behavior. So according to Evans, Nelson, Porter and Nelson, it can influence the emergence of antisocial behavior in children. Torrente and Vazsonyi's research also shows that parenting given by mothers has a greater influence on the emergence of delinquent behavior and criminal acts committed by children. When mothers do not provide proper parenting, do not pay enough attention to children about activities at school or activities with friends, it can trigger the formation of delinquent behavior and criminal acts in children. When children experience poor, harsh, neglected and violent parenting in the family when children are in the early stages of child development, then children will have low self-esteem,

³Location, cit.

will also develop violent behavior towards their siblings and also develop antisocial behavior. Then when children start to enter the school environment, children with low self-esteem will be isolated from their peer groups and have difficulty in school, truant, and fail in academic activities at school. These children then develop into teenagers who have a tendency to associate in gangs, and deviant peer groups, and self-direction in violence, because they think that peers like that can accept their condition. When they grow up, they will continue violent behavior, acceptance and violence in personal relationships, and continue in a cycle of violence when they get married and apply a parenting pattern that contains elements of violence to their children. So that their children will develop into individuals who commit delinquency and criminal acts. This is similar to research that shows that aggressive or violent behavior has a genetic contribution or is passed down by parents to their children, especially in antisocial behavior. Poor relationship patterns in the family between parents and children are also genetic or passed down. The mechanism of development of antisocial behavior above is cyclical, so that acts of violence or inappropriate parenting by parents will form a chain of development cycles that cause children to commit violent behavior or even criminal acts. The pressure that exists in social groups has a very large influence. And based on the results of the interview, it showed that children were caught in legal cases, both immoral cases, drugs, murder, robbery and theft due to the influence of their friends. Social groups and peers put very strong pressure on them to conform to the social norms of the group, so that efforts to avoid stressful situations can drown out their personal values. Conformity to the group, by following the group's behavior aims for children to be accepted by their friends and social groups, in addition, children's unlawful behavior is also carried out because of the very strong social solidarity to protect and defend their group friends. According to Hunter, Viselberg and Berenson, social groups become a social force that can influence smoking habits and also drugs and other criminal acts. Many factors can cause criminal acts or crimes, but it must be realized that poverty is the initial capital for the demands of life's needs. murder or robbery and theft due to the influence of their friends. Social groups and peers provide very strong pressure to conform to the group's social norms, so that efforts to avoid stressful situations can drown out personal values. Conformity to the group, by following group behavior aims for children to be accepted by their friends and social groups, in addition, children's unlawful behavior is also carried out because of the very strong social solidarity to protect and defend their group friends. According to Hunter, Viselberg and Berenson, social groups are social forces that can influence smoking habits and also drugs and other criminal acts. Many factors can cause criminal acts or crimes, but it should be realized that poverty is the initial capital for the demands of life's needs.⁴

⁴Location, cit.

Because living in limitations or deficiencies will make it difficult for someone to meet their life needs. Both in terms of clothing, food, shelter, as well as education and health. In addition to being unable to achieve prosperity, people who are poor find it difficult to get access to education. In fact, education is one of a person's social capital in achieving prosperity, with education job requirements can be met. Thus, someone who has an income can meet their life needs in terms of economy. In addition, negative behavior that is continuously displayed in the mass media can also be considered as socially correct behavior and become a role model that is imitated by children/teenagers.⁵

Based on the various explanations above, it can be understood that gangsters are not a phenomenon that just appears in the midst of society. But it is caused by juvenile delinquency. According to Kartono, "juvenile delinquency" or known in English as "juvenile delinquency" is a pathological social symptom in adolescents caused by a form of social neglect. As a result of this neglect, adolescents develop deviant behavior. Adolescence is often identified as a period of searching for identity. At this stage, individuals who have just experienced puberty tend to show various emotional turmoil, withdraw from their families, and face various problems at home, school, and in their surroundings and relationships. Juvenile delinquency today, as often reported in various media, has gone beyond reasonable limits. Many adolescents and minors are already familiar with cigarettes, drugs, free sex, brawls, theft, and are involved in various other criminal acts that deviate from community norms and have to deal with the law.⁶ Juvenile delinquency that is growing emotionally or what is often referred to as pathological disorders, if it occurs in a number of teenagers who gather together, will become the trigger for the birth of crimes caused by emotional violence due to the immaturity of adolescent emotions.⁷ The perpetrators who are involved in fights or brawls injuring their victims, even to the point of death. One of the victims who died as a result of the Kreak gang was Muhammad Tirza Nugroho Hermawan, 21 years old, a resident of Bandung harjo, Donorejo, Jepara Regency who was a student of Informatics Engineering Udinus. The victim was attacked using sharp weapons in front of the 44.501.22 gas station, Jalan Kelud Raya, Bendan Ngisor, Gajahmungkur District.⁸ This clearly contradicts the principle of the rule of law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Based on the various

⁵Location, cit.

⁶Leonardus Andrew Pramono and Amrizal Siagian, "Analysis of Driving Factors for Teenagers to Get Involved in the "Gangster" World in City "X" Reviewed from the Theory of Social Control", Ikraith-Humaniora, Vol. 8, No. 2, 2024, pp. 334-335.

⁷Location, cit.

⁸Jawapos, 12 Kreak Youths Arrested Following the Death of Udinus Students, accessed via <https://radarsurabaya.jawapos.com/nasional/775105253/12-pemuda-kreak-diamankan-buntut-tewasnya-mahasiswa-udinus-semarang>, March 12, 2025.

explanations available, it is necessary to discuss further regarding "Optimizing the Eradication of Gangster Crimes in Cases of Violence in the City of Semarang".

2. Research Methods

The type of legal research used is analytical descriptive. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in the interactions between them. That the real reality of life does not exist in the empirical world which is also the world of observation, does not appear in the form of objectively patterned and structured behavior (let alone normative) and therefore can be measured to produce quantitative data. The reality of life actually only exists in the realm of meaning which appears in the form of symbols that can only be understood after being interpreted. Such realities cannot be easily "captured" through external observation and measurement. These realities can only be "captured" through experience and internal experiences that produce a complete picture of understanding.⁹

3. Results and Discussion

3.1. Optimizing the Eradication of Violence Cases Committed by Gangsters in Semarang City Today

1) Optimizing the Eradication of Violence Cases Committed by Gangsters in Semarang City Today

According to Iptu (Inspector of Police One) Reza Arif Hadafi, STK, SIK, M.Si as the Head of the Semarang Police Mobile Brigade Unit, from Semarang Police data from January to September 2024, there were 83 cases of gang fights where 73 perpetrators had to serve their sentences until trial in court. Meanwhile, around 200 other perpetrators underwent training by the police. The rampant brawls have caused quite a few fatalities, both from the gangsters themselves and innocent ordinary people. A student at Dian Nuswantoro University (Udinus) Semarang named Muhammad Tirza Nugroho died on September 17, 2024, due to being slashed by a sharp weapon by a gangster group while crossing Jalan Kelud, Semarang City. The student is suspected of being the victim of a mistaken target by a gangster group who that night were looking for enemies to fight. The Semarang Police have made firm efforts to overcome criminal acts by these gangster groups. The Semarang Police Libas application is effective in detecting and supporting the police's rapid response in dealing with these criminal acts. Many public reports about the existence of gangster groups were reported through the Libas application and immediately followed up. The Libas application even recorded data on criminal acts of the perpetrators of brawls who were caught. The legal action was followed up with a declaration of the dissolution of

⁹Soetandyo Wignjosoebroto, Law, Paradigm, Method, and the Dynamics of the Problem, HUMA, Jakarta, 2002, p.198.

the gangster groups which was also initiated by the Semarang Police. A total of 19 gangster groups in the city of Semarang declared the dissolution of the group which had recently caused unrest among the people in the capital city of Central Java Province. Dozens of gangster members stated that they were disbanding themselves and stopping all forms of gangster activities that were disturbing and disrupting public order. In addition, the gangster members also apologized to the entire Semarang City community for the negative impacts caused.¹⁰ Then the number of cases submitted to the Semarang City District Court related to cases of violence committed by children was 78 cases from cases involving 117 suspects, of which 70 cases were brawls, while 8 cases were bullying with violence.¹¹

Gangster cases in other areas are also rampant, one of which is in Bandung Regency. A group of people suspected of being members of a motorcycle gang carrying out mob attacks and assaulting residents using sharp weapons in Sukawangi Village, Jelegong Village, Kutawaringin District, Bandung Regency. The incident occurred on Saturday, March 9, 2024 at around 23.00 WIB. The incident occurred when the victim named Resta (30), a resident of Cimahi City, was suddenly attacked by the perpetrator and a group suspected of being a motorcycle gang at the location. Then the victim managed to fight back using his hands, but because he used a sharp weapon, the victim suffered injuries to his hands and head. The number of violent crimes committed by gangsters in the West Java region in 2024 was relatively the highest compared to other areas such as Bogor 2,794 cases, Karawang 1,461 cases, Purwakarta 1,002 cases. Some of the most common types of crimes include aggravated theft, violent theft, motorcycle theft, assault carried out by a group of motorcycle gangsters.¹²

2) Factors Causing the Birth of Gangsters in Semarang City

a. Family Attention Factor

According to Iptu (Inspector of Police One) Reza Arif Hadafi, STK, SIK, M.Si as Head of Criminal Investigation Unit of Semarang Police, the factors behind the rise of gangsters in the city of Semarang are: due to lack of parental supervision, economy, low education and broken love. In addition, some of them also lack the skills to get a healthier environment away from negative things. In addition, social and environmental factors also have an influence on the first time someone is pushed into a motorcycle gang. The absence of supervision from the family and a sense of revenge for failure in the social environment that makes him show his identity that he is great or brave. In social control theory, someone

¹⁰Interview with Iptu (Police Inspector One) Reza Arif Hadafi as Head of the Semarang Police Mobile Brigade Unit, April 10, 2025.

¹¹Interview with AKBP Tri Wisnugoro as Head of Samapta of Semarang Police, April 4, 2025.

¹² <https://news.okezone.com/amp/2024/03/13/525/2982442/action-of-motorcycle-gangs-gang-up-to-slash-residents-in-soreang-one-perpetrator-is-secured>, May 14, 2025.

who has weak ties with internal such as family, friends and external such as society, the greater the person follows his desire to break the law. In terms of family factors, instability in the family, such as conflict between parents, divorce, or neglect, can also make teenagers more vulnerable to the influence of gangster groups. Teenagers may seek substitute relationships outside their families that can provide a sense of security and identity. Gangster groups often take on this role as a "surrogate family."¹³

b. Peer Influence Factors

The next major factor is peer pressure. In this context, the data shows that at least ten individuals were involved in motorcycle gangs because they were lured by their peers, while others may have chosen to join on their own. A number of adolescents stated that their reasons for joining were driven by internal motivation. This recognition highlights the important role of social relations in the formation of adolescent identity. The presence of peers cannot be ignored, because it often influences individual choices in responding to group activities. With a strong identification with a group, individuals tend to adjust their behavior and preferences to fit the norms and styles adopted by the group.¹⁴

c. Economic Factors

Many of the perpetrators of "Kreak" are school dropouts who have lost their direction and purpose in life. On the other hand, the lack of positive activities or affordable entertainment facilities for young people also encourages them to seek entertainment in dangerous ways, such as being involved in street violence. The "Kreak" phenomenon actually has similarities with the "klitih" phenomenon that previously disturbed the community in Yogyakarta and its surroundings. Both phenomena involve acts of street violence carried out by groups of youths, which aim to spread fear or seek "recognition" from other groups. However, there are differences in the *modus operandi* and characteristics of the groups involved in each region. Data from the Semarang Police show that in the last six months, there has been a significant increase in cases of street violence related to "Kreak." There were 15 incidents recorded, with the majority of perpetrators under the age of 18. The results of interviews with several suspects revealed that they were recruited through social relations, especially in areas with high unemployment rates.

Gangster actions can be caused by the lack of religious lessons received both at home and at school. According to Reza, religious education is a means of education instilling values and character for teenagers. Not only as additional

¹³Interview with Iptu (Inspector of Police One) Reza Arif Hadafi as Head of the Semarang Police Mobile Brigade Unit, April 10, 2025.

¹⁴*Location, cit.*

education, but religious education can be a controller for teenagers in channeling their energy. Teenagers need better character habituation actions.¹⁵

d. The Shell of Access to Utilization of Positive Activity Facilities

The lack of sports facilities, extracurricular activities, and other positive activities can leave teens feeling bored or directionless. In this situation, they may seek out less positive forms of entertainment. Gangster groups often provide an alluring sense of identity and belonging for teens seeking recognition.¹⁶

e. Pathological Problem Factors of Adolescents

It should be understood that violent crimes committed by children are acts of delinquency or juvenile delinquency is a behavior that reflects errors in educational patterns, both at home and in society and at school. This problem cannot be assessed from one aspect, but must involve many aspects, including the individual aspect of the teenager himself. Basically, the occurrence of juvenile delinquency indicates the indiscipline of teenagers towards the applicable rules and norms, be it family, school, society or self-norms as an individual, and the instillation of these norms must of course be given to individual teenagers so that they have a good understanding related to these norms. The causes of this delinquency include the result of wrong parenting patterns, a bad school environment, bad social groups, a non-conducive social and community environment, weak self-control, and adolescent emotional maturity that does not develop according to the level of adolescent development age. That is why this article attempts to examine the causes of juvenile delinquency and preventive steps and how to improve adolescent discipline from a psychological and Islamic perspective. The report of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which met in London in 1960, stated that there was an increase in the number of juvenile delinquents in the quality of crime, and an increase in the ferocity and cruelty of the crimes, which were more often committed in group actions than individual crimes.¹⁷ The facts then show that all types of juvenile crime are increasing in number with the increasing pace of industrialization and urbanization. In industrial cities and large cities that are rapidly developing physically, there are far more cases of crime than in "primitive" societies or in villages. And in economically prosperous countries, the level of this crime is correlated with the process of industrialization.

These juvenile crimes are a byproduct of first mass education that does not emphasize character and personality education for children. Second, the lack of

¹⁵Location, cit.

¹⁶Location, cit.

¹⁷Mr. Murdianto, *Social Pathology, Concepts, Theories and Applications*, State Islamic University (UIN) Mataram, Mataram, 2019, pp. 136-149.

effort by parents and adults to instill morality and religious beliefs in young children. Third, the lack of social responsibility in adolescents. Adolescents who commit crimes generally lack self-control, or abuse self-control, and like to enforce standards of behavior. Such behavior will harm themselves and those around them. Adolescence as a threshold period of adulthood experiences confusion or difficulty in trying to leave habits at a previous age and in giving the impression that they are almost or already adults, namely by smoking, drinking alcohol using drugs. The family is the first socialization agent in the formation of a child's personality. Therefore, the family is very important for a child's life before the child enters school, playmates, workplaces and others.¹⁸

The next problem in terms of legal umbrella is the absence of an Article in the Criminal Code that regulates gangsters with the aim of breaking the law as a type of criminal act. The Criminal Code only regulates actions carried out by gangsters, there is no specific article in the Criminal Code that regulates "gangsters". However, actions that are often carried out by groups called "gangsters" can be charged with various articles of the Criminal Code, such as mob violence (Article 170 of the Criminal Code), violence (Article 351 of the Criminal Code), theft with violence (Article 365 of the Criminal Code), or murder (Article 338 of the Criminal Code). If a group of "gangsters" use violence together against people or goods, they can be charged with Article 170 of the Criminal Code which regulates mob violence. If a group of "gangsters" commits assault or violence against other people, they can be charged with Article 351 of the Criminal Code. If a group of "gangsters" commits theft using violence or threats of violence, they can be charged with Article 365 of the Criminal Code. If a group of "gangsters" commits murder, they can be charged with Article 338 of the Criminal Code. However, perpetrators who are still minors cannot be subject to the various provisions of the Criminal Code, but if it is related to a violent crime, the perpetrator can only be subject to the actions as regulated in Article 79 of the Republic of Indonesia Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which states that:

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

¹⁸Location, cit.

The main problem is that there is no criminal penalty that can create a deterrent effect for members and founders of gangsters who deviate from the law. So that the type of punishment that has been imposed so far only considers that the perpetrators are not gangsters but criminals in general, so that the position of members or founders of gangsters should be a qualification for aggravation in sentencing in order to create a deterrent effect for gangsters who commit violence in society. Based on the existing explanation, it is clear that legally there is no legal certainty regarding efforts to create a deterrent effect for problematic gangsters who deviate from the law. According to Apeldoorn, legal certainty has two aspects, first regarding the issue of the ability to form (*bepaalbaarheid*) law in concrete matters. This means that parties seeking justice want to know the law in specific matters before starting a case. Second, legal certainty means legal security.

3) Gangster Violence Crimes According to Islam

Allah SWT also threatens people who commit acts of murder, for example robbers or muggers who kill their victims. Allah Subhanahu wa Ta'ala says:

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

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

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

Allah SWT has threatened people who kill with various punishments. First, the person who kills in return is Jahannam, which is one of the names of the names of hell. Second, eternal in it (hell), namely residing in Jahannam for a long time until an unknown time limit, except by Allah SWT. Third, wrath, namely God's wrath towards the person who kills. Fourth, curse, the person who kills is expelled and kept away from the mercy of Allah SWT. Fifth, he will be punished for the sin of killing, because the person who kills is the same as violating the purity of a Muslim and flowing his blood without *haq*. Islam, as a religion that is *rahmatan lil'alamin*, teaches its followers to always create peace and avoid violence in all aspects of life. Anti-violence education is taught and conveyed in the Al-Qur'an including: QS. Ali Imran verse 159, QS. Al-Maidah 132, QS. Al Anbiya' verse 107

The concept of restorative justice in Islamic criminal law. Seen in mind ideas including:¹⁹

a. Prioritizing victim oriented rather than only offender oriented by involving the victim-family in resolving criminal cases shows similarities with the essence of qisas-diyat. In Islam, scholars explicitly state that rights in Islamic criminal law are divided into the rights of God and human rights. In the crime of qisas-diyat, the victim's rights are greater than the rights of God (the rights of the state/society), so there is an alternative solution with the choice of qisas, diyat or expiation. The concept of qisas-diyat is seen in the regulation of modern criminal law for victims of crime including the category of service models.

b. The resolution of cases in restorative justice is on a non-penal path. This effort is carried out through a peace process between the victim and the perpetrator. Risalah Al-Qadha Khalifah Umar Bin Khatab, peace can be implemented by referring to a clear corridor.

c. Restorative justice realizes justice for the parties, not only realizing legal justice, but also considering social justice, individual justice and also moral justice. Justice in Islam includes individual justice (al-adalah al-fardiyah) and social justice (al-adalah al-ijtimaiyah). Justice in Islamic law always considers morality, and is not only limited to the application of legal justice.

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

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

In the study of maqashid al-syariah which assumes that every sharia revealed by Allah always contains benefits for His servants for the present (in the world) and also in the future (in the hereafter). There is not one of Allah's laws that does not have a purpose because a law that does not have a purpose is the same as taklif ma la yuthaq (imposition of law that cannot be implemented).²⁰Based on the

¹⁹Ila Latifa Fitriani, *Islam and Restorative Justice for Children in Conflict with the Law*, (published thesis, Faculty of Sharia and Law, Sunan Kalijaga State Islamic University, Yogyakarta), 2012, pp. 127-128.

²⁰Muhammad Khalid Masud, *Philosophy of Islamic Law*, edited by Ahsin Muhammad, (Pustaka Setia, Bandung, 1996), p. 244.

existing explanation, it can be seen that restorative justice and the principle of *maqashid al-syariah* have similarities, namely realizing the welfare, safety, and peace for all groups of society or in its development in an effort to realize the protection of human rights and social welfare and social justice for all Indonesian people, where both of these ideas are realized through diversion which is an effort that can be categorized as *ijtihad* if in its implementation it is also based on Islamic spiritual values.

Lengthy legal processes and prison sentences can trigger behavioral problems, depression, and even the risk of suicide. In addition, punishment can damage family relationships, cause deprivation, and increase the risk of social stigma. AKP Wigiyadi said that the impact of criminalization on children can be:²¹

a. Fear and Loss of Self-Confidence:

Children who are in conflict with the law, or who have been punished, may feel afraid of law enforcement officers, legal institutions, and even parents or other adults. This fear can hinder social and emotional development, and cause a loss of confidence in one's own abilities.

b. Trauma:

Severe legal proceedings, especially those involving violence or imprisonment, can cause serious psychological trauma. This trauma can lead to behavioral problems, depression, anxiety, and difficulties in daily living.

c. Behavioral Issues:

Harsh punishment can cause children to experience behavioral problems, such as becoming more aggressive, behaving unlawfully, or even isolating themselves.

d. Depression and Anxiety:

Children who are in conflict with the law or are punished, especially in prison, are at risk of experiencing depression and anxiety. This depression and anxiety can hinder cognitive and social development, and cause difficulties in forming social relationships.

e. Social Stigma:

Criminal penalties can cause children to be socially stigmatized, which can hinder their opportunities for employment, education, and a normal social life.

f. Damage to Family Relationships:

²¹Interview with AKBP Tri Wisnugoroas Head of Samapta of Semarang Police, April 4, 2025.

Frequent or harsh punishment can damage the relationship between children and parents, cause communication breakdowns, and trigger conflict within the family.

g. Deprivation:

Prison sentences can lead to deprivation, which is the lack of opportunities to obtain basic needs such as education, health care and social support.

The various negative impacts of criminal sanctions on children show the importance of implementing diversion for children involved in cases of violence. The provisions of Article 5, Article 7 to Article 9 of the Republic of Indonesia Law Number 11 of 2012 concerning the Juvenile Criminal Justice System clearly state that diversion as an effort to realize restorative justice in the investigation of cases of violence committed by children is an obligation mandated by law. However, in reality, according to AKP Wigiyadi, most parents of victims of acts of violence between children prefer to take legal action through the courts, so that the perpetrators who are still children are expected to be punished as severely as possible. This is especially true in cases of violence that result in death.²²

Basically, the occurrence of juvenile delinquency indicates the indiscipline of teenagers towards the applicable rules and norms, be it family, school, society or self-norms as an individual, and the instillation of these norms must of course be given to individual teenagers so that they have a good understanding related to these norms. The report of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which met in London in 1960, stated that there was an increase in the number of juvenile delinquents in the quality of crime, and an increase in the ferocity and cruelty of the crimes, which were more often committed in group actions than individual crimes.²³

a'zir is used for acts of violence that do not meet the requirements for qishas or diyat. The following is a more detailed explanation of these punishments:²⁴

a. Qisas:

Qisas is a retaliatory punishment that is the same as the violent act committed. For example, if the perpetrator injures the victim, then the perpetrator will also be injured according to the level of injury suffered by the victim. If the perpetrator kills, then the perpetrator will be sentenced to death. The conditions for qishas are that there is equality between the perpetrator and the victim in

²²Interview with AKBP Tri Wisnugoroas Head of Samapta of Semarang Police, April 4, 2025.

²³Mr. Murdianto, *Social Pathology, Concepts, Theories and Applications*, State Islamic University (UIN) Mataram, Mataram, 2019, pp. 136-149.

²⁴Meli Dwi Anggraini, Siti Zailia, and Armasito, "Sanctions Against Perpetrators of Violence Against Children Resulting in Serious Injuries", *Muqaranah*, Volume 7, Number 1, 2023, p. 30.

terms of the type of crime, and there must be no excessive or unbalanced treatment.

b. *Diyat*:

Diyat is compensation paid by the perpetrator of violence to the victim or the victim's family. The amount of *diyat* is adjusted to the type and severity of the violence committed, as well as the economic condition of the perpetrator. *Diyat* can be used as an alternative to *qishas*, if the victim or the victim's family is willing to accept compensation.

c. *Ta'zir*:

Ta'zir is a discretionary punishment imposed by a ruler or judge. This punishment is flexible and can be in the form of imprisonment, fines, beatings, or other sanctions deemed appropriate to stop the perpetrator from committing acts of violence. *Ta'zir* is applied to cases of violence that do not qualify for *qishas* or *diyat*, or as an additional punishment other than *qishas* or *diyat*.

3.2. Obstacles and Solutions in the Problem of Optimizing the Eradication of Violence Cases Committed by Gangsters in the City of Semarang Today

1) Obstacles in Legal Substantive Matters

The legal obstacle is the absence of regulation of illegal gangsters as a criminal act in Indonesian law. The Criminal Code does not specifically regulate illegal gangsters, the Criminal Code only regulates acts committed by illegal gangsters, including in this case violence. Violent crimes are regulated in the Criminal Code, the Criminal Code only regulates violent crimes. Article 170 of the Criminal Code states that:

a. Anyone who openly and with joint force uses violence against people or property shall be subject to a maximum prison sentence of five years and six months.

b. The guilty are threatened with:

1) with a maximum imprisonment of seven years, if he intentionally destroys goods or if the violence used results in injury;

2) with a maximum prison sentence of nine years, if the violence results in serious injury;

3) with a maximum prison sentence of twelve years, if the violence results in death.

c. Article 89 does not apply.

The elements in Article 170 of the Criminal Code are:

a. Overtly/openly:

The act of ganging up must be carried out in a public place that can be seen by the public.

b. With joint efforts/together:

Violence must be committed by two or more people.

c. Using violence:

Violence can take the form of unlawful physical acts, such as hitting, kicking, or using a weapon.

d. Against people/humans or goods:

Violence can be directed at other people or property, although it is not always intended to injure or cause damage.

Article 351 of the Criminal Code states that:

- 1) Abuse is punishable by a maximum prison sentence of two years and eight months or a maximum fine of four thousand five hundred rupiah.
- 2) If the act results in serious injury, the perpetrator is threatened with a maximum prison sentence of five years.
- 3) If it results in death, the perpetrator is subject to a maximum prison sentence of seven years.
- 4) With abuse is equated with intentionally damaging health.
- 5) Attempt to commit this crime is not punishable.

Elements in Article 351:

a. Elements of the Act of Abuse:

Article 351 of the Criminal Code defines abuse as an act that intentionally causes pain, suffering, or injury to another person's body. This act can be a physical act, such as hitting, kicking, or stabbing, or an act that intentionally damages health, such as lighting another person on fire.

b. Elements of Criminal Sanctions:

Minor Assault (Article 1): Threat of imprisonment of up to 2 years and 8 months or a maximum fine of Rp 4,500. Assault with Serious Injury (Article 2): Threat of

imprisonment of up to 5 years. Assault Resulting in Death: Threat of imprisonment of up to 7 years.

c. Element of Intention:

The act of abuse must be done intentionally, that is, with the intention of causing pain, suffering, or bodily injury to another person. Actions taken for a reasonable reason, such as medical or educational purposes, are not considered abuse.

Article 354 of the Criminal Code states that:

(1) Anyone who intentionally seriously injures another person is threatened with committing serious assault with a maximum prison sentence of eight years.

(2) If the act results in death, the guilty person is threatened with imprisonment for a maximum of ten years

Elements in Article 354 of the Criminal Code:

a. Intentionally causing serious injury:

The perpetrator must intentionally commit an act that results in serious injury to the victim. Serious injury has a broad meaning, including loss of organ function, permanent disability, or danger of death.

b. The perpetrator is another person:

This act of serious abuse must be committed against another person, not oneself.

c. Due to serious injuries:

The perpetrator's actions must actually cause serious injury to the victim, not just minor injuries.

d. The perpetrator's intention:

The perpetrator must have the intention to seriously harm the victim, or at least be aware that his actions could cause serious harm.

e. Criminal information:

If the act of serious abuse results in the death of the victim, the perpetrator can be threatened with a heavier penalty, namely 10 years in prison.

Article 368 of the Criminal Code states that:

Based on the various explanations above, it is clear that the Criminal Code does not specifically regulate violence that is specifically carried out by banned groups or gangsters. The prohibition on gangsters with the aim of committing violent

crimes is regulated in Article 59 paragraph (3) letter c of the Republic of Indonesia Law Number 16 of 2017 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Community Organizations into Law. Article 59 paragraph (3) letter c of the Republic of Indonesia Law Number 16 of 2017 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Community Organizations into Law states that:

Mass organizations are prohibited from:

- a. committing acts of hostility against ethnicity, religion, race or group;
- b. committing abuse, blasphemy, or defamation of religions practiced in Indonesia;

3.3. committing acts of violence, disturbing public order and tranquility, or damaging public facilities and social facilities; and/or

- 1) carry out activities that are the duties and authority of law enforcement in accordance with the provisions of laws and regulations.

However, gangsters cannot be equated with community organizations. According to Article 1 paragraph (1) of the Republic of Indonesia Law Number 16 of 2017 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Community Organizations into Law, Community Organizations, hereinafter referred to as Ormas, are organizations that are founded and formed by the community voluntarily based on shared aspirations, desires, needs, interests, activities, and goals to participate in development in order to achieve the goals of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. While gangsters have a negative meaning.

4. Conclusion

obstacles in optimizing the eradication of cases of violence committed by gangsters in the city of Semarang, which consists of. The obstacle is the absence of criminal penalties that can create a deterrent effect for both the founders and organizers of gangster groups and for gangster members who commit violent crimes in society. The limited number of personnel and facilities and infrastructure for law enforcement and legal mechanisms in taking action against violent acts by gangsters. Poor community support in efforts to eradicate gangster actions.

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