

Law Enforcement Against the Criminal act of theft with Violence in the Jurisdiction of the North Musi Rawas Police

Henry Martadinata¹⁾ & Arpangi²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: henrymartadinata.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: arpangi@unissula.ac.id

Abstract. *Theft accompanied by violence through threats of violence, for example hitting the victim by tying them up or threatening them so that they are quiet and do not move. Seeing the current state of society, it is very possible for someone to find a shortcut to commit theft, especially by using violence. This study aims to determine the Law Enforcement Against Criminal Acts of Theft with Violence in the Jurisdiction of the North Musi Rawas Police. In this study, the approach method used is: a normative legal approach (normative legal research method). library legal research conducted by examining library materials or secondary data alone. The research specification used is Analytical Descriptive, which is an effort to analyze and explain legal problems related to objects with a comprehensive and systematic description of everything related to Law Enforcement Against Violent Theft in the Jurisdiction of the North Musi Rawas Police. In the jurisdiction of the North Musi Rawas Police, law enforcement efforts against violent theft crimes are carried out through three main approaches, namely: pre-emptive, preventive, and repressive. Obstacles in the process of enforcing the law against violent theft can be classified into five main categories: legal, structural, cultural, technical, and social and economic*

Keywords: *Crime; Enforcement; Law.*

1. Introduction

In a state of law, law is the main pillar in moving the joints of social, national, and state life. One of the main characteristics of a state of law lies in its tendency to assess actions taken by society on the basis of legal regulations. This means that a state with the concept of a state of law always regulates every action and behavior of its people based on applicable laws.

Along with the development of the times and advances in technology, the nation's morals are also declining. Social values are damaged and destroyed.

Many factors cause this, such as free association, lack of religious education that includes moral and ethical education. Economic problems or the need for life also greatly influence the increasing number of crimes. Because of the economic situation that is lacking, it encourages people to justify any means to meet their needs, one of which is committing the crime of theft.

Theft is taking goods that are wholly or partly owned by another person, with the intention of possessing them unlawfully, as stated in Article 362 which reads as follows: "Anyone who takes something, wholly or partly owned by another person, with the intention of possessing it unlawfully, is threatened with theft, with a maximum prison sentence of five years or a maximum fine of nine hundred rupiah."¹

Theft accompanied by violence through threats of violence, for example hitting the victim by tying them up or threatening them so that they are quiet and do not move. Seeing the current state of society, it is very possible for someone to find a shortcut to commit theft, especially by using violence. From the mass media and electronic media, it is shown that theft through violence is often motivated by the economy, so that society as a whole with law enforcement officers is obliged to overcome the crime of violent theft as far as possible.²

The crime of theft in the law is grouped into ordinary theft, aggravated theft, minor theft and theft with violence. Of the four types of theft, the most disturbing form is theft with violence, because this form of theft not only causes loss of goods but can also cause injury, disability or even death to the victim.

The crime of theft with violence is a crime against property that is not common and occurs a lot in developing countries. Furthermore, it is said that the crime of theft with violence and its contents are the nature of criminal acts that accompany development.³

As is well known, violent theft often occurs in big cities and sub-districts of the Republic of Indonesia, one of which is North Rawas Regency, South Sumatra Province, which is increasingly dense and in line with the development and progress of technology, economic development, and coupled with the increasing population. In connection with this, complex problems will automatically arise in relation to violent theft which often claims lives and property.

Law enforcement is an effort to overcome crime rationally, fulfilling a sense of justice and effectively. In order to overcome crime against various means as a

¹Andi Hamzah, *Criminal Code*, Rineka Cipta, Jakarta, 2008, p. 140

²Toto Hartono, *Law Enforcement Against Violent Theft Crimes (Study on the Medan City Police Department)*, *Retentum Journal*, Vol. 2 No. 1, February 2021, p. 35

³Soerjono Soekanto, et al., *Combating Theft with Violence: A Criminological Review*. Aksara. Jakarta. 2008. p. 20

reaction that can be given to the perpetrators of the crime, in the form of criminal law and non-criminal law means, which can be integrated with each other. If criminal means are called to overcome crime, it means that criminal law policy will be implemented, namely holding elections to achieve criminal legislation results that are in accordance with the circumstances and situations at a certain time and in the future.⁴

Talking about law enforcement, of course there are those who enforce the law, namely law enforcers. Each law enforcer has their respective positions and roles. One of them is the Indonesian National Police, which is a state apparatus that plays a role in maintaining public security and order, law enforcement, protection, patronage, and service to the community in order to maintain domestic security as stated in Article 5 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police. Therefore, the Indonesian National Police is required to continue to develop to be more professional.⁵

The police as one of the law enforcement officers are tasked not only in relation to the law enforcement process, but also related to steps to prevent criminal acts or criminality. Efforts to prevent crime are strategic steps to deal with criminal acts that have been growing lately. Crimes that have increased from the previous year need to be prevented, especially by the police, so that they do not happen again in the following year. In addition, what steps can be taken by the community to support this prevention.

The crime of theft with violence can have a bad impact on society, for example disturbing public order, peace and security and can also cause great losses to society, both physical and material losses. Crime is a product of society, so complex are the consequences caused by violent crime, it is almost certain that law enforcement officers, especially the police, have difficulty in revealing the facts, therefore legal awareness can be grown in society itself.⁶

In response to the fact that violent crime cannot be eliminated completely, including violent theft. Only in cross-sectoral, continuous and integrated efforts can it be overcome, at least the quantity and quality can be reduced.

The theft cases that have been handled by the Muratara Police with various modes and operating times carried out by the perpetrators of theft to carry out their actions. The tendency of a person to commit theft with any crime is often

⁴Barda Nawawi Arief, *Criminal Law Policy*, Citra Aditya Bakti, Bandung, 2012,

⁵Law Number 2 of 2002 concerning the Republic of Indonesia Police Article 5 paragraph (1)

⁶Fransisco Lumban Batu, *The Role of the Police in Eradicating Violent Theft in the Patumbak Area (Case Study at the Patumbak Police)*, *JUNCTO: Scientific Journal of Law*, Vol. 2 No. (1) 2020, pp. 70-71

done, but in some cases theft is carried out at a certain time, namely involving conditions where each person will look for the right time to carry out their theft.

An example of a case of theft with violence in the jurisdiction of the Muratara Police is police report number LP/B-36/X/2024/SPKT/SEK. KRDP/RES MURATARA/POLDA SS, which was reported on October 21, 2024. The theft incident occurred on Monday, October 21, 2024, at around 06.45 WIB in Sungai Liam, Karang Dapo Village, Karang Dapo District, North Musi Rawas Regency.

In the report, the victim named Natasya Dwi Alpira (17 years old), a student from Setia Marga Village, was riding a motorbike to school with her friend, Salsa Safitri (18 years old). The two victims were suddenly attacked by two perpetrators riding a motorbike. The perpetrators approached the victim's motorbike from behind, then one of the perpetrators pulled the victim's hand, so that the victim and her friend fell off the motorbike. The suspect Dadang then pointed a short-barreled homemade firearm at the victim's head and seized the victim's motorbike. As a result of this incident, the victim suffered abrasions on his hands and feet and material losses worth around Rp. 20 million.

2. Research Methods

are basically a function of the problems and objectives of the research. Therefore, discussions in research methods cannot be separated and must always be closely related to the problems and objectives of the research. What is used in this research consists of approach methods, research specifications, sources and types of data, data collection techniques and data analysis techniques. In accordance with the title and problems that will be discussed in this researchAndIn order to provide useful results, this research was conducted using normative legal research (normative legal research method). The normative legal research method is legal research.literaturewhich is done by examining library materials or secondary data only. This research is conducted in order to obtain materials in the form of: theories, concepts, legal principles and legal regulations related to the subject matter.⁷

3. Results and Discussion

⁷Soerjono Soekanto and Sri Mahmudji, *Normative Legal Research, A Brief Review*, (Jakarta: Raja Grafindo Persada, 2003), p. 13.

3.1. Law Enforcement of Criminal Acts of Theft with Violence in the Jurisdiction of the North Musi Rawas Police

Violent theft is a criminal act of theft accompanied by violence against the victim by using physical strength to hit with hands or hit with weapons, confine, tie, restrain, and so on. Violent theft is very disturbing for the community, because this form of violent theft not only causes loss of goods but can also cause injury, disability and even death to the victim. The violent acts committed in theft can be in the form of tying up the victim, injuring or even killing the victim. The losses arising from violent theft are quite big, so that law enforcement actions against these crimes must be carried out firmly.⁸

Law enforcement is an effort to implement legal provisions in order to create order in society. Law enforcement can be carried out both preventively and repressively. Preventive law enforcement is carried out with the intention of preventing a crime from occurring. This effort is highly prioritized because this effort can not only be carried out by law enforcement officers, but can also be carried out by the general public. Efforts made to enforce the law by the North Musi Rawas Police still have several shortcomings such as lack of socialization to the community. In addition, evidence. This is because witnesses and victims are often reluctant to provide information for the investigation of violent theft cases.

Crime prevention policies or commonly referred to as criminal politics are rational efforts by society to overcome crime. Overcoming according to Mardjono Reksodiputro means an effort to control crime so that it is within the limits of community tolerance.

The actions of the Police in dealing with the crime of theft with violence are a form of resolving criminal acts and forms of crime that arise based on acts of theft accompanied by violence. The actions of the Police in question are based on the provisions of the Police Law, namely Law Number 2 of 2002 concerning the Indonesian National Police, clearly described in the Law regarding general provisions, the composition and position of the Indonesian National Police, duties and authorities and so on. So that the police are appointed as law enforcers.

Crime prevention is a simple and targeted approach that can prevent people

⁸Hartono, Op.Cit, p.37

from the risk of becoming victims. In the policy of public welfare, preventive measures against crime are very important or more precisely, must be prioritized. Because criminal acts will bear the development of socio-economic or social welfare sectors in general in a broad sense. According to GP Hoefnagels, efforts to overcome crime can be taken by:

- 1) Application of criminal law (criminal application),
- 2) Prevention without punishment (prevention without punishment),
- 3) Influencing society's views on crime and punishment through mass media (influencing views of society on crime and punishment mass media).

Law enforcement carried out by law enforcement officers must be an example for the community to participate in combating crime. Law enforcement officers include the understanding of law enforcement institutions and law enforcement officers (persons), in a narrow sense, law enforcement officers involved in enforcing the law, starting from the police, prosecutors, judges, advocates, and correctional officers, each officer and related officers also include the parties concerned with their duties and roles, namely related to reporting activities, or complaints, investigations, inquiries, prosecutions, evidence and trials and the imposition of sanctions on perpetrators of crimes.⁹

Carrying out enforcement or prevention efforts in criminal acts/crimes of theft with violence of motor vehicles, the police work in accordance with the duties, functions and authorities of the Law governing the police. Law on the Police Number 2 of 2002 in Articles 13 and 14, explains that the main duties of the police are:

- 1) Maintaining the law

⁹Ahmad Irzal Fardiansyah, Implementation of Diversion in Handling Children in Conflict with the Law, *Litigation Journal*, Vol 10, NO 3, 2009, p. 19

2) Enforcing the law

3) Providing protection and care to the community¹⁰

Efforts or policies to prevent and combat crime are included in the field of "criminal policy". This criminal policy is also inseparable from a broader policy, namely "social policy" which consists of "policies/efforts for social welfare" and "policies/efforts for community protection".¹¹

Law enforcement is also carried out by the North Musi Rawas Police regarding the crime of theft with violence, namely in the form of law enforcement with criminal law policies (penal policy) and policies outside criminal law (non-penal policy).

Theft grows and develops in society due to economic factors, environmental factors, and low understanding of the law which are the reasons for the perpetrators to commit violent theft that results in the loss of someone's life in the Musi Rawas Utara Police Jurisdiction. There are many ways that can be done in overcoming crime, both from the most severe actions and preventive measures.

Efforts made by the North Musi Rawas Police, namely:

1) Pre-emptive.

Initial efforts made by the police to prevent criminal acts. The things done are as follows:

a. Socialization of the functions of Community Guidance and Counseling, Sabara, and police stations related to violent theft

¹⁰Viswandro, et al., *Getting to know the law enforcement profession*, Pustaka Yustisia, Yogyakarta 2015 pp. 20-21

¹¹Arda Nawawi Arief. *Problems of Law Enforcement and Criminal Law Policy in Combating Crime*. Prenadamedia Group, Jakarta, 2014, p. 77

- b. The service and serving program is through a Public Order Security safari to community leaders and sub-district/village officials;
- c. Community development through Polmas (activating Polmas);
- d. Collaborating with the mass media to inform the public to always be alert to the crime of mugging.

2) Preventive

It is a follow-up to pre-emptive efforts that are still at the prevention level before a crime occurs. In preventive efforts

emphasized is eliminating the opportunity to do so, as follows:

- a. Strong points in vulnerable areas from both the Police and Sector Police;
- b. Perform routine operations;
- c. Approach and Distribution of Informants; and
- d. Approach to recidivism.

3) 3. Repressive

It is a conceptual crime prevention effort that is taken after a crime has occurred. Some repressive efforts in overcoming theft with violence are:

- a. Arrest the perpetrators and process them in accordance with applicable legal procedures;
- b. Direct coaching during personal investigations of perpetrators;
- c. Eradicate fences; and
- d. A firm stance against perpetrators, namely if they disturb the community and resist officers, they will be shot on sight in accordance with SOP.136

From the efforts that have been made by the North Musi Rawas Police that have been mentioned previously, the rampant cases of violent theft are dominated by community factors. The most influential factor in preventive law enforcement efforts is the negligence of the community itself. Many people, especially in the North Musi Rawas Police area, often forget to look after their belongings, such as forgetting to lock the door of the house, leaving valuables in the vehicle. Thus giving people who intend to commit theft the opportunity to carry out their actions. However, apart from that, what hinders law enforcement related to this crime is that there are still other factors that cause other crimes to occur

3.2. Obstacles Arise in Law Enforcement of Violent Theft Crimes in the Jurisdiction of the North Musi Rawas Police

The crime of violent theft is one of the crimes that disrupts the sense of security of the community and has a serious impact on public order. In the jurisdiction of the North Musi Rawas (Muratara) Police, this case is included in the type of conventional crime that still occurs frequently. However, law enforcement does not always run smoothly. There are various obstacles that cause the legal process to be ineffective and inefficient. These obstacles can be classified into five main categories: legal, structural, cultural, technical, and social and economic.

1) Legal Obstacles

Legal obstacles relate to applicable laws and regulations and its implementation in the field.

a. Inconsistency between written law and reality

Article 365 of the Criminal Code regulates theft with violence quite clearly. However, in practice in the field, law enforcement officers often have difficulty in proving the elements of "violence" or "threat of violence". In Muratara, there are many cases where the perpetrators use violence briefly and without direct

witnesses, making it difficult for officers to provide sufficient evidence to charge the perpetrators criminally.

b. Long and complex legal procedures

The long legal process, from investigation to court decision, often leaves victims feeling dissatisfied. In areas like Muratara, which have limited geographical access and quite difficult terrain, the reporting process, summoning witnesses, and collecting evidence can take longer than in urban areas. This causes law enforcement to be unable to run quickly and accurately.

2) Structural Barriers

Structural barriers refer to the internal conditions of law enforcement agencies, particularly the police, prosecutors and courts.

a. Limited human resources and infrastructure

The North Musi Rawas Police as a law enforcement institution at the district level faces serious challenges in terms of resources. The number of personnel available is not comparable to the area that must be monitored. The Muratara area consists of many villages and sub-districts that are far apart, with road infrastructure that is not yet fully adequate. This makes it difficult to respond quickly to public reports.

In addition, supporting facilities such as operational vehicles, forensic equipment, and other supporting technologies are often in minimal or unavailable conditions. As a result, the investigation process is not optimal and has the potential to hinder justice.

b. Professionalism and integrity of the apparatus

Although most officers work professionally, in some cases there are complaints from the public about alleged discrimination against perpetrators who have

connections with influential figures or village officials. If not handled transparently, this can create a negative public perception of the police institution.

3) Cultural Barriers

These barriers are related to cultural values and people's views on the law and the conflict resolution process.

a. Culture of resolving problems amicably

The Muratara community still upholds the values of family and customary conflict resolution. In many cases of violent theft, especially if the perpetrator and victim are related or come from the same village, cases tend to be resolved outside formal legal channels through customary mediation or the village head.

Although this approach reflects local wisdom, in the context of violent crimes, non-legal solutions can risk ignoring aspects of victim protection and preventing similar crimes in the future.

b. Low legal literacy in society

Many residents in rural Muratara do not fully understand their rights as victims or their obligations as witnesses in the legal process. They tend to be reluctant to report because they are afraid of the hassle, feel unsure of getting justice, or even afraid of intimidation from the perpetrator. This causes many cases to go unreported or be stopped early.

4) Technical Obstacles

Technical barriers refer to practical challenges on the ground, particularly in gathering evidence and identifying perpetrators.

a. Lack of evidence

Violent theft cases often occur in quiet places, such as garden roads or remote settlements. Because the Muratara area is still dominated by forest and plantation areas, many cases occur without direct witnesses. On the other hand, the use of CCTV or other monitoring devices is very minimal or even non-existent in the villages.

Without visual evidence or witnesses, the evidentiary process becomes highly dependent on the testimony of the victim who may be in a traumatic state or unable to clearly remember the incident.

b. Difficulty identifying the perpetrator

Criminals in Muratara often operate mobilely and move from one sub-district to another. They also tend to wear face coverings or helmets when committing crimes, making it difficult to identify them. Even when a perpetrator is caught, it is difficult to link the perpetrator to a particular incident without strong evidence.

5) Social and Economic Barriers

Social and economic factors are the roots that worsen the conditions of law enforcement in the jurisdiction of the North Musi Rawas Police.

a. Poverty and unemployment

Most of the Muratara community depends on agriculture and plantations for their livelihood. When crops fail or prices drop drastically, economic pressures can increase. In such conditions, some individuals are driven to commit crimes, including violent theft, as a shortcut to meet their living needs.

Economic factors also affect the ability of victims to seek justice. The legal process requires a lot of transportation costs, time, and energy. For rural communities, coming to the district town to provide information at the police station can be a burden in itself.

b. Social inequality

Social inequality between community groups in the center of the district government and those living in the outskirts also creates a sense of injustice. Marginal communities often feel ignored by law enforcement, and as a result do not believe that the legal process will side with them. This distrust encourages the emergence of conflict resolution outside the legal path, which ultimately hinders the function of formal law.

Law enforcement against violent theft crimes in the jurisdiction of the PoliceMusicNorth Rawas cannot be separated from various systemic and contextual obstacles. Legal obstacles such as the complexity of proof, structural obstacles in the form of limitationssourcepower, cultural barriers in the form of family resolution traditions, as well as technical and socio-economic barriers are interrelated factors that complicate law enforcement efforts.

The solution to this obstacle requires a holistic approach, starting from strengthening police institutions, increasing public legal literacy, providing technological facilities, to...policypro-people social. Collaboration between local governments, community leaders, and law enforcement officers is key to creating a legal system that is fair, effective, and pro-victims of crime.

4. Conclusion

In the jurisdiction of the North Musi Rawas Police, law enforcement efforts for violent theft crimes are carried out through three main approaches, namely: pre-emptive, preventive, and repressive. Pre-emptive steps are carried out through education and legal socialization to the community, while the preventive approach is directed at eliminating opportunities for crime to occur through patrols, routine operations, and approaches to vulnerable groups. Meanwhile, the repressive approach is carried out through the legal process against perpetrators of crimes, from arrest to prosecution and sentencing.

5. References

Journals:

Pan Mohamad Faiz, 2009, *Teori Keadilan John Rawls*, dalam Jurnal Konstitusi

Books:

Adamı Chazawi, 2014, *Percobaan dan Penyertaan Pelajaran Hukum Pidana*, Rajawali Press, Jakarta

- Abidin, Zamnari. *Hukum Pidana Dalam Skema*. Jakarta: Ghalia Indonesia, 1984.
- Abu Daud. *Sunan Abu Daud*. Beirut: Dar al-Fikr, tanpa tahun.
- Abu Malik Kamal bin As-Sayyid Salim. *Shahih Fikih Sunnah*. Diterjemahkan oleh Khairul Amru Harahap dan Faisal Saleh. Jakarta: Pustaka Azzam, 2007.
- Al Bassam dan Abdullah bin Abdurrahman. *Syarah Bulughul Maram*. Diterjemahkan oleh Thamrin Suparta dan M. Faisal. Jakarta: Pustaka Azzam, 2007.
- Andi Hamzah. *Kitab Undang-Undang Hukum Pidana*. Jakarta: Rineka Cipta, 2008.
- Apeldoorn, L.J van. *Inleiding tot de Studie van het Nederlandse Recht*. Zwolle: W.E.J. Tjeenk Willink, 1995.
- Arief, Barda Nawawi. *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. Bandung: Citra Aditya Bakti, 1998.
- Arief, Barda Nawawi. *Bunga Rampai Kebijakan Hukum Pidana*. Jakarta: Kencana, 2016.
- Arief, Barda Nawawi. *Kebijakan Hukum Pidana*. Bandung: Citra Aditya Bakti, 2012.
- Arief, Barda Nawawi. *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*. Jakarta: Kencana Prenada Media Group, 2007.
- Hasibuan, Ridwan. *Kriminologi Dalam Arti Sempit dan Ilmu-Ilmu Forensik*. Medan: USU Press, 1994.
- Moeljatno. *Asas-Asas Hukum Pidana*. Jakarta: Rineka Cipta, 2002.
- Prasetyo, Teguh. *Kriminalisasi Dalam Hukum Pidana*. Bandung: Nusa Media, 2010.
- Raharjo, Satjipto. *Masalah Penegakan Hukum: Suatu Tinjauan Sosiologis*. Bandung: Sinar Baru, 1983.
- Rapar, J.H. *Filsafat Politik Plato*. Jakarta: Rajawali Press, 2019.
- Reksodiputro, Mardjono. *Menyelaraskan Pembaruan Hukum*. Jakarta: Komisi Hukum Nasional, 2009.
- Saleh, Roeslan. *Beberapa Asas Hukum Pidana Dalam Perspektif*. Jakarta: Aksara Baru, 1983.
- Saleh, Roeslan. *Segi Lain Hukum Pidana*. Jakarta: Ghalia Indonesia, 1984.
- Salim, Abu Malik Kamal bin As-Sayyid. *op. cit.*

Soekanto, Soerjono. *Faktor-faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: Raja Grafindo Persada, 2007.

Soekanto, Soerjono. *Penganggulan Pencurian Dengan Kekerasan Suatu Tinjauan Kriminologi*. Jakarta: Aksara, 2008.

Soekanto, Soerjono dan Sri Mahmudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada, 2003.

Soesilo, R. *KUHP Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*. Bogor: Politea, 1988.

Utoyo, Marsudi dkk. *Sengaja Dan Tidak Sengaja Dalam Hukum Pidana Indonesia, Lex Librum*, Vol. 7, No. 1, 2020.

Utrecht. *Hukum Pidana I*. Surabaya: Pustaka Tindak Mas, 1986.

Viswandro, dkk. *Mengenal Profesi Penegak Hukum*. Yogyakarta: Pustaka Yustisia, 2015.

Wardi Muslich, Ahmad. *Hukum Pidana Islam*. Jakarta: Sinar Grafika, 2005.

Regulation:

Criminal Code (KUHP)

Law Number 8 of 1981 concerning the Criminal Procedure Code

The 1945 Constitution of the Republic of Indonesia