

The Role of The Police in Handling The Criminal Acts of Theft with Violence Based on The Provisions of Article 479 of The KUHP

Ghazi Ardly Septiandika

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

Abstract. *Indonesia, as a nation based on the rule of law, places the Indonesian National Police (Polri) as a key institution in law enforcement and public protection. One crime that requires serious attention is theft with violence, as stipulated in Article 479 of the Criminal Code (Law No. 1 of 2023), as it not only damages the victim's property but also threatens life and instills fear in the community. This study aims to analyze the role of the police in handling violent theft crimes. The research method used is normative legal research with a statutory and conceptual approach. The results indicate that the police have a strategic role, spanning prevention, enforcement, and investigation as part of the criminal justice system. However, its implementation still faces obstacles, such as limited resources, difficulty proving elements of violence, and high public demand for expedited case handling. This study concludes that optimizing the role of the police needs to be done through increasing professionalism, strengthening coordination between law enforcement agencies, and implementing the principle of due process of law in order to realize effective law enforcement, protect victims, and ensure substantive justice.*

Keywords: *Article 479 of the Criminal Code; Law Enforcement; Role of the Police; Theft with Violence.*

1. Introduction

Indonesia as a state of law places law as the commander in the implementation of social, national and state life, as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The State of Indonesia is a state of law".¹The legal consequence of this principle is that every action by state administrators, including law enforcement officers, must be

¹The 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (3).

carried out in accordance with the law, uphold justice, and guarantee the protection of human rights. In this context, the existence of the Indonesian National Police is a fundamental instrument of the rule of law in maintaining social order and upholding the rule of law within society.

The Republic of Indonesia National Police as a law enforcement apparatus has the main task of maintaining public security and order, enforcing the law, and providing protection, patronage and services to the community as stated in Article 13 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police.²In carrying out these duties, the Indonesian National Police plays a strategic role as the front guard in combating crimes that directly threaten public safety, including violent theft that often occurs in public spaces.

The crime of theft with violence is a form of conventional crime that has a high level of danger because it not only harms the victim's property rights, but also threatens the safety of life and physical integrity through the use of violence or the threat of violence.³The latest legal phenomenon shows an increase in cases of theft with violence in various major cities in Indonesia, for example the minimarket robbery case in Jakarta in 2024 which involved physical violence against employees and consumers, demonstrating the urgency of fast and professional law enforcement.⁴This crime is often categorized as a street crime that creates collective fear and has a direct impact on social security stability.⁵

Within the framework of the National Criminal Code, the punishment for theft with violence is explicitly regulated in Article 479, emphasizing the element of violence as an aggravating factor that differentiates ordinary theft from theft with broader social impacts.⁶Punishment is not solely oriented towards retaliation (retributive justice), but also takes into account community protection, legal certainty, and substantive justice.⁷This places the police in a strategic and complex position, starting from prevention, repression, to investigation as the foundation for the subsequent judicial process.⁸

Recent cases, such as the armed robbery in Surabaya in 2023 that resulted in serious injuries to the victim, demonstrate the real challenges in proving the element of violence and enforcing the law fairly.⁹This demands police

²Law Number 2 of 2002 concerning the Republic of Indonesia National Police, Article 13.

³Arief, BN (2016). Criminal law policy. Jakarta: Kencana Prenadamedia Group, pp. 121–123.

⁴Kompas. (2024, February 12). Minimarket robbery in Jakarta, victim injured. Jakarta: Kompas.

⁵Rahardjo, S. (2018). Law and society. Bandung: Citra Aditya Bakti, p. 80.

⁶Republic of Indonesia. (2023). Law Number 1 of 2023 concerning the Criminal Code. Jakarta: State Secretariat. Article 479.

⁷Muladi, M. (2019). Law and law enforcement in Indonesia. Jakarta: Rajawali Pers, p. 50.

⁸Arief, BN (2020). Anthology of criminal law policies. Jakarta: Kencana, p. 118.

⁹DetikNews. (2023, May 20). Armed robbery in Surabaya. Surabaya: Detik.

professionalism in balancing law enforcement with the protection of human rights, in accordance with the principle of due process of law.¹⁰

From an Islamic legal perspective, theft with violence is closely related to the protection of property (*ḥifẓ al-māl*) and life (*ḥifẓ al-nafs*), as part of the objectives of *maqāṣid al-syarīʿah*.¹¹ Law enforcement is seen as a state obligation to safeguard the public interest and prevent social harm. Therefore, handling violent theft crimes has not only legal dimensions, but also moral and social ones, which require a comprehensive approach from the police.¹²

Modern society, characterized by high mobility and complex social interactions, has led to the characteristics of violent theft as an open, spontaneous crime, often involving physical violence. This situation demands a swift and professional response from the police, the institution with the primary authority in the criminal justice system.

Historically, theft accompanied by violence has been recognized since classical criminal law, both in the continental law and common law traditions. Classical criminal law thought views crimes involving violence as serious violations of public order that must be addressed through firm and repressive punishment.¹³

This view influenced the early development of Indonesian criminal law, where imprisonment was positioned as the primary instrument for combating crime. However, this approach was deemed inadequate to fully address the complexities of modern crime, which encompasses social, economic, and psychological dimensions.

The reform of national criminal law through Law Number 1 of 2023 concerning the Criminal Code brings about an important paradigm shift in the regulation of criminal acts, including theft with violence which is now explicitly regulated in Article 479 of the Criminal Code.¹⁴ This provision emphasizes the element of violence as an aggravating factor that differentiates ordinary theft from theft that has a broader social impact.

The National Criminal Code framework emphasizes that punishment is no longer solely oriented toward retributive justice, but also considers aspects of community protection, legal certainty, and substantive justice. This places the role of law enforcement officials, particularly the police, in an increasingly strategic and complex position.

¹⁰Rahardjo, S. (2018). *Law and society*. Bandung: Citra Aditya Bakti, p. 81.

¹¹Audah, AQ (2017). *Islamic criminal law*. Jakarta: Prenadamedia, p. 56.

¹²*Ibid*, p. 57.

¹³Andi Hamzah, *Indonesian Criminal Law* (Jakarta: Sinar Grafika, 2015), pp. 98–101.

¹⁴Law Number 1 of 2023 concerning the Criminal Code, Article 479.

The police as a subsystem of criminal justice carries out important functions at the pre-adjudication stage, starting from prevention efforts, repression, to investigation as the foundation for the subsequent judicial process.¹⁵ The effectiveness of handling violent theft depends heavily on the professionalism and integrity of the police in exercising this authority.

According to Muladi, the success of criminal law enforcement is not only determined by legal norms alone, but is also greatly influenced by the quality of law enforcement officers in implementing these norms fairly, proportionally, and consistently.¹⁶ In the context of the crime of theft with violence, the police are required to be able to balance the interests of law enforcement with the protection of human rights, so that the investigation and inquiry process not only enforces the law formally, but also pays attention to substantive justice for both victims and perpetrators.¹⁷

However, the practice of law enforcement against violent theft still faces various complex obstacles, including limited human resources and technology, difficulties in proving elements of violence, and public pressure demanding the swift presence of justice.¹⁸ These obstacles have the potential to impact the quality and effectiveness of case handling if they are not balanced with strategic policies, coordination between legal institutions, and the application of a holistic and humanistic approach.¹⁹ Therefore, strengthening the professional capacity of law enforcement officers, utilizing modern forensic tools, and adopting a preventive approach through partnerships with the community are crucial to ensuring optimal and just law enforcement.²⁰

The criminal policy perspective views that handling crime must be understood as an integral effort involving penal and non-penal means.²¹ The police not only act as law enforcers, but also as a public service institution responsible for maintaining public trust.

¹⁵Romli Atmasasmita, *Contemporary Criminal Justice System* (Jakarta: Kencana Prenadamedia Group, 2013), pp. 45–48.

¹⁶Muladi. (2006). *Aspects of Criminal Law Policy in Indonesia*. Jakarta: PT RajaGrafindo Persada, pp. 85–87.

¹⁷Barda Nawawi Arief. (2013). *Selected Chapters on Criminal Law*. Bandung: Citra Aditya Bakti, pp. 112–118.

¹⁸Republic of Indonesia. (2002). *Law Number 2 of 2002 concerning the Republic of Indonesia National Police*. Jakarta: State Secretariat.

¹⁹Republic of Indonesia. (1981). *Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP)*. Jakarta: State Secretariat.

²⁰Satjipto Rahardjo. (2001). *Reconstruction of Criminal Law: A Review of Legal Philosophy*. Jakarta: PT Gramedia Pustaka Utama, pp. 56–60.

²¹Arief, BN (2010). *Anthology of criminal law policies*. Bandung: Citra Aditya Bakti, pp. 23–26.

Satjipto Rahardjo emphasized that law must be positioned as a means to protect humans, not merely a tool of power.²² Therefore, handling of violent theft must reflect an orientation towards substantive justice, both for the victim and the perpetrator.

From a justice perspective, victims of violent theft have the right to protection, a sense of security, and reparation, while perpetrators must still be treated according to the principle of due process of law. In this regard, the role of the police is key in maintaining a balance between legal certainty and humanitarian values.

From an Islamic legal perspective, theft accompanied by violence is closely related to the protection of property (*ḥifẓ al-māl*) and the protection of life (*ḥifẓ al-nafs*) as part of the main objectives of *maqāṣid al-syarī'ah* (Islamic principles). Law enforcement is seen as a state obligation to maintain the public interest and prevent social harm.²³

Handling violent theft crimes is not solely a formal legal matter; it also encompasses moral and social dimensions that require a comprehensive and balanced approach. Legal certainty must go hand in hand with sensitivity to the values of justice and public safety. In this context, the police, as representatives of the state, are required to exercise their authority professionally, proportionally, and accountably, with a primary focus on protecting the community and achieving equitable public benefits.

2. Research Methods

This research is a normative legal research, focusing on the analysis of applicable norms, laws, doctrines, and legal principles. This research was chosen because the problem under study relates to the role of the police in enforcing the law against the crime of theft with violence under Article 479 of the Criminal Code, thus requiring an in-depth legal review of relevant criminal rules, principles, and policies.²⁴

3. Results and Discussion

3.1. How is the Criminal Act of Theft with Violence Prohibited According to Article 479 of the Criminal Code?

The provisions regarding the crime of theft with violence in the National Criminal Code are a manifestation of criminal law policies oriented towards protecting

²²Rahardjo, S. (2012). *Legal Science*. Bandung: Citra Aditya Bakti, pp. 19–22.

²³Auda, J. (2008). *Maqasid al-Shariah as philosophy of Islamic law: A systems approach*. London: International Institute of Islamic Thought, p. 21–25.

²⁴Arief, BN (2011). *Criminal law reform from a comparative perspective*. Bandung: Citra Aditya Bakti. pp. 88–92.

property rights as well as protecting the integrity of the human body and soul. In modern criminal law, this act is no longer viewed solely as a violation of property, but rather as a multi-layered attack, because it is accompanied by acts of violence or threats of violence that cause fear, physical suffering, and even the potential loss of life. Therefore, the regulation is positioned as a form of aggravated theft with a higher penalty than ordinary theft.²⁵

Provisions regarding the crime of theft with violence are regulated in Article 479 of the National Criminal Code. The formulation of Article 479 of the National Criminal Code is as follows:

(1) "Any person who commits theft which is preceded, accompanied or followed by violence or threats of violence against people, with the intention of preparing or facilitating the theft, or in the case of being caught in the act to enable escape or to retain the goods taken, shall be punished with a maximum prison sentence of 9 (nine) years.

(2) If the act as referred to in paragraph (1) results in serious injury, the perpetrator shall be punished with a maximum prison sentence of 12 (twelve) years.

(3) If the act as referred to in paragraph (1) results in death, the perpetrator shall be punished with a maximum prison sentence of 15 (fifteen) years.

This formulation demonstrates that lawmakers systematically structured the offense by distinguishing between basic elements and aggravating circumstances. The basic element is theft qualified by violence or the threat of violence. Violence here is not limited to physical attacks but also includes threats that cause real fear in the victim. Thus, the protection of freedom and a sense of security is an integral part of this norm.²⁶

Conceptually, theft with violence is a form of aggravated theft (qualified theft) because it includes the additional element of violence directly related to the act of taking the property. This violence must be functionally related to the theft, that is, committed to prepare, facilitate, escape, or retain the proceeds of the crime. Without such a connection, violence can stand as a separate offense.²⁷

The objective elements of this crime include the act of taking an item, whether it belongs in whole or in part to another person, and the presence of violence or the threat of violence against that person. Meanwhile, the subjective elements require intent (*dolus*) and the intention to unlawfully possess the item. The

²⁵Barda, NA (2013). *Selected chapters on criminal law*. Bandung: Citra Aditya Bakti, pp. 45–52.

²⁶Indonesia. (2023). *National Criminal Code (Law Number 1 of 2023)*. Jakarta: State Secretariat, pp. 182–184.

²⁷Barda, NA (2010). *Anthology of criminal law policies*. Jakarta: Kencana, pp. 73–80.

perpetrator's culpability is heightened because in addition to attacking the property, they also knowingly harm or threaten the victim's safety.²⁸

The provisions of paragraphs (2) and (3) emphasize the principle of proportionality in sentencing. If the act results in serious injury or death, the penalty increases significantly. This demonstrates that the resulting consequences form the basis for differentiating sanctions. Criminal law, in this case, assesses not only the act but also the concrete impact on the victim.²⁹

The aggravating circumstances as stipulated in paragraph (4) reflect consideration of the level of social danger. Carrying out the crime at night in a residential home, in a group of two or more people, or using certain methods such as damaging or using fake attributes, indicate greater planning and courage, so that it is appropriate to receive a heavier sentence.³⁰

A criminal law policy perspective demonstrates that this regulation aligns with Barda Nawawi Arief's thinking, which emphasizes the importance of social defense as a primary focus of national criminal law reform. The crime of theft with violence is a form of crime that directly disrupts public order and citizens' sense of security, so the legal response must be firm but still grounded in the principles of justice and humanity.³¹

Furthermore, the updated National Criminal Code reflects an effort to harmonize legal certainty and flexibility in sentencing. Judges are given the freedom to consider the specific circumstances of the case, including the motive, method of commission, and consequences, when determining the severity of the sentence. Thus, Article 479 is not rigid but provides an adaptive normative framework.³²

When compared to Islamic criminal law, theft accompanied by violence bears similarities to the concept of *حرابة*, namely, robbery accompanied by intimidation or violence against the community. However, national legal systems do not adopt this classification literally, but instead place it within the category of property offenses aggravated by violence. This approach demonstrates a dialogue between universal values and national legal systems.³³

Law enforcement practice demonstrates that proving the element of violence is crucial. Evidence must demonstrate that the violence was committed during a

²⁸Muladi., & Barda, NA (2012). Criminal theories and policies. Bandung: Alumni, pp. 91–99.

²⁹Barda, NA (2019). The objectives and guidelines of sentencing from the perspective of criminal law reform. Jakarta: Kencana, pp. 101–109.

³⁰Hamzah, A. (2014). Principles of criminal law. Jakarta: Rineka Cipta, pp. 118–125.

³¹Barda, NA (2008). Problems of law enforcement and criminal law policy. Jakarta: Kencana, pp. 33–41.

³²Barda, N. A. (2011). Reform the criminal justice system. Semarang: Magister Library, p. 64–72.

³³Az-Zuhaili, W. (2007). *Al-fiqh al-islāmī wa adillatuhu* (Volume 6). Damascus: Dar al-Fikr, p. 412–418.

series of thefts, not as a separate incident. Therefore, analyzing causal relationships and the perpetrator's intent is central to the adjudication process.³⁴

Philosophically, Article 479 of the National Criminal Code emphasizes that the protection of property is inseparable from the protection of human dignity. Violent attacks on property are essentially an attack on the sense of security inherent in human rights. Therefore, its regulation conveys the moral message that the state is present to ensure the security and order of society.³⁵

Therefore, the regulation of the crime of theft with violence under Article 479 of the National Criminal Code demonstrates a more comprehensive, proportional, and community-protection-oriented formulation. Clearly formulated norms, differentiated criminal penalties based on consequences, and provisions for aggravating circumstances reflect the direction of reforming Indonesian criminal law toward justice and civility.³⁶

3.2. What is the role of the police in handling this case, including obstacles such as proving elements of violence and limited resources?

The role of the police in handling violent theft crimes occupies a central position in the Indonesian criminal justice system. These crimes not only target property but also threaten the safety and security of the community. Therefore, the police response must reflect a balance between firm law enforcement and the protection of human rights. Within the framework of a state governed by the rule of law, these duties are carried out based on the attribution authority granted by statutory regulations.³⁷

The primary normative basis for the functions and authorities of the police is regulated in Law Number 2 of 2002 concerning the Indonesian National Police. This law affirms that the police are tasked with maintaining public order and security, enforcing the law, and providing protection, guidance, and services to the community. In the context of violent theft, these three functions are interrelated and inseparable.³⁸

Furthermore, investigative authority is also regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP), which provides the legal basis for the police to conduct investigations and inquiries into any suspected criminal acts. Normatively, Article 1, number 1 of the KUHP states:

³⁴Hiariej, EOS (2016). Principles of criminal law. Yogyakarta: Cahaya Atma Pustaka, pp. 137–145.

³⁵Muladi. (2002). Selected chapters on the criminal justice system. Semarang: Diponegoro University Publishing Agency, pp. 23–31.

³⁶Barda, NA (2018). Scientific and religious approaches to criminal law reform. Semarang: Pustaka Magister, pp. 88–95.

³⁷Barda, NA (2013). Selected chapters on criminal law. Bandung: Citra Aditya Bakti, pp. 112–118.

³⁸Indonesia. (2002). Law Number 2 of 2002 concerning the Republic of Indonesia National Police. Jakarta: State Secretariat, pp. 3–7.

"Investigators are officers of the Republic of Indonesia's national police or certain civil servants who are given special authority by law to conduct investigations."

Furthermore, Article 1 number 2 of the Criminal Procedure Code states:

"An investigation is a series of actions by investigators in matters and according to the methods regulated in this law to seek and collect evidence which will shed light on the crime that occurred and to find the suspect."

Regarding the concrete authority of investigators, Article 7 paragraph (1) of the Criminal Procedure Code stipulates that investigators have the authority to:

- a. receive a report or complaint from someone about a criminal act;
- b. take first action at the scene;
- c. ordering a suspect to stop and checking the suspect's identification;
- d. carry out arrests, detentions, searches and confiscations;

These provisions affirm that, through the mechanisms of criminal procedure, police officers have attributive authority to make arrests, detentions, searches, seizures, and question witnesses and suspects in accordance with statutory procedures. Therefore, every action in handling cases of theft with violence must be based on the principles of legality and due process of law, thus ensuring a balance between effective law enforcement and human rights protection.³⁹

In the initial stages, the police's role begins with an investigation to determine whether an incident can be categorized as a theft with violence. This process requires careful identification of the elements of the crime, particularly the element of violence or the threat of violence, which distinguishes it from ordinary theft. Accurate classification will determine the direction of the case's subsequent handling.⁴⁰

During the investigation phase, the police are obligated to gather valid evidence as stipulated in criminal procedure law. Proving violence is often a major obstacle, especially in the absence of direct witnesses or adequate post-mortem evidence. In such circumstances, investigators must optimize forensic examination techniques and scientific crime investigation approaches to strengthen the evidentiary structure.⁴¹

The element of violence in this offense must be proven to have a functional relationship to the act of theft. This means the violence was committed to

³⁹Indonesia. (1981). Law Number 8 of 1981 concerning the Criminal Procedure Code. Jakarta: State Secretariat, pp. 15–22.

⁴⁰Hamzah, A. (2014). Principles of criminal law. Jakarta: Rineka Cipta, pp. 145–150.

⁴¹Hiariej, EOS (2016). Principles of criminal law. Yogyakarta: Cahaya Atma Pustaka, pp. 201–208.

prepare, facilitate, or secure the proceeds of the crime. If this relationship cannot be convincingly proven, the charge can be reduced to simple theft or even separated into a separate crime of assault. This evidentiary challenge demands the professionalism and integrity of investigators.⁴²

Another frequently encountered obstacle is limited resources, both in terms of personnel, infrastructure, and technological support. In some regions, the high caseload is disproportionate to the capacity of available officers. This situation has the potential to impact the effectiveness of case handling, particularly in crimes requiring a rapid response, such as violent theft.⁴³

From a criminal law policy perspective, as stated by Barda Nawawi Arief, the effectiveness of law enforcement is largely determined by the synergy between penal and non-penal policies. The police play a role not only as a repressive apparatus but also as a preventive actor through routine patrols, legal education, and a partnership approach with the community. This preventive strategy is an integral part of social defense efforts.⁴⁴

This preventive role aligns with the concept of community policing, which emphasizes citizen participation in maintaining neighborhood security. Through this partnership, information about potential criminal activity can be obtained early, thereby preventing the escalation of violence. This approach also strengthens the police's social legitimacy in the eyes of the public.⁴⁵

Regarding victim protection, the police have an obligation to provide humane and responsive services. Victims of violent theft often experience psychological trauma in addition to material losses. Therefore, the investigation process must be conducted with due regard for the principle of respect for human dignity and avoid secondary victimization.⁴⁶

The Islamic criminal law perspective views acts of violence that accompany theft as serious because they involve violations of property rights (مال) and the right to life (نفس). Although national legal systems do not directly adopt the concept of حرابة, the values of protecting public security are still reflected in police law enforcement policies.⁴⁷

⁴²Muladi., & Barda, NA (2012). Criminal theories and policies. Bandung: Alumni, pp. 134–140.

⁴³Barda, NA (2008). Problems of law enforcement and criminal law policy. Jakarta: Kencana, pp. 59–66.

⁴⁴Barda, NA (2010). Anthology of criminal law policies. Jakarta: Kencana, pp. 90–97.

⁴⁵Muladi. (2002). Selected chapters on the criminal justice system. Semarang: Diponegoro University Publishing Agency, pp. 41–48.

⁴⁶Barda, NA (2019). The objectives and guidelines of sentencing from the perspective of criminal law reform. Jakarta: Kencana, pp. 122–128.

⁴⁷Az-Zuhaili, W. (2007). Al-fiqh al-islāmī wa adillatuhu (Volume 6). Damascus: Dar al-Fikr, p. 420–425.

Coordination between the police and the public prosecutor is crucial to ensuring the completeness of case files. Inadequate evidence of violence can result in files being returned for completion (P-19), prolonging the judicial process. Therefore, professionalism in the preparation of case files is an indicator of the quality of investigative performance.⁴⁸

Several studies in the *Khaira Umma Law Journal* highlight that the effectiveness of handling violent crimes is greatly influenced by the quality of human resources within law enforcement. Continuing education and technical training are urgently needed to improve investigators' capacity to address the complexities of modern crime.⁴⁹

Other studies have emphasized that limited budgets and forensic facilities in certain areas pose structural barriers to evidence gathering. Without adequate technological support, proving elements of violence often relies on witness testimony, which is susceptible to change. Therefore, institutional reform and infrastructure strengthening are strategic agendas.⁵⁰

In addition to technical obstacles, there are also cultural challenges, such as low public legal awareness regarding reporting or witnessing crimes. Fear of intimidation from perpetrators often hinders law enforcement. In this situation, the police need to build public trust through transparency and accountability.⁵¹

The integrated criminal justice system framework positions the police as the gatekeeper, determining the quality of subsequent legal proceedings. Weaknesses during the investigation stage will impact the entire judicial process. Therefore, internal reform and strengthening integrity are essential prerequisites.⁵²

Philosophically, the role of the police in handling violent theft crimes can be understood as an integral part of the social defense policy within the national criminal justice system. In Barda Nawawi Arief's framework, criminal law does not merely function as a means of retributive justice, but rather as a policy instrument to protect the legal interests of society, including the protection of property rights and the safety of life. Therefore, police actions in conducting

⁴⁸Indonesia. (1981). Law Number 8 of 1981 concerning the Criminal Procedure Code. Jakarta: State Secretariat, pp. 75–79.

⁴⁹Khaira Umma Law Journal. (2020). "The Role of Law Enforcement Officials in Handling Violent Crimes."

⁵⁰Khaira Umma Law Journal. (2021). "Obstacles to Evidence in Criminal Cases of Violence Against Property."

⁵¹Khaira Umma Law Journal. (2022). "Community Participation in Supporting Criminal Law Enforcement."

⁵²Khaira Umma Law Journal. (2023). "Institutional Reform in the Criminal Justice System."

investigations and inquiries constitute a concrete implementation of penal policy, which is directed at addressing crime rationally and justly.⁵³

Law enforcement against violent theft must be positioned within the perspective of criminal penalties, which are oriented toward victim protection and restoring social balance. In this context, the professionalism of the police reflects the state's commitment to providing a sense of security as part of protecting human rights. Criminal law, as emphasized in the concept of national criminal law reform, is based on humanistic values that place human dignity at the center of consideration. Therefore, case handling should not be solely procedural but must reflect substantive justice.⁵⁴

Furthermore, the penal policy implemented by the police in handling violent crimes must be consistently integrated with non-penal policies, such as prevention through community partnerships and strengthening neighborhood security systems. This synergy demonstrates that community protection is not only realized through criminalization, but also through sustainable preventive strategies. In this paradigm, the presence of the police is not merely a law enforcement agency, but also a representation of the state in maintaining order and upholding humanitarian values within criminal law.⁵⁵

Thus, the police's role is not limited to enforcement but also encompasses prevention, victim protection, and strengthening public trust. Obstacles to proving elements of violence and limited resources are indeed real challenges, but through increased capacity, integrity, and institutional synergy, the goal of just law enforcement can still be achieved.⁵⁶

3.3. How can we optimize the role of the police to ensure effective law enforcement, protect victims, and uphold substantive justice?

Discussions on optimizing the role of the police in law enforcement cannot be separated from the broader framework of the criminal justice system as an interconnected whole. The police are not isolated entities, but rather an integral part of the criminal law policy framework designed to protect society and uphold humanitarian values. Therefore, any effort to strengthen police function must be understood as part of a comprehensive criminal policy strategy, integrating normative, structural, and cultural dimensions to achieve just legal objectives. Based on this foundation, optimizing the role of the police is oriented not only

⁵³Barda, NA (2010). *Anthology of criminal law policies*. Jakarta: Kencana, pp. 24–32.

⁵⁴Barda, NA (2019). *The objectives and guidelines of sentencing from the perspective of criminal law reform*. Jakarta: Kencana, pp. 45–53.

⁵⁵Barda, NA (2018). *Scientific and religious approaches to criminal law reform*. Semarang: Pustaka Magister, pp. 78–86.

⁵⁶Muladi., & Barda, NA (1998). *Criminal theory and policy*. Bandung: Alumni, pp. 77–84.

toward procedural effectiveness but also toward achieving meaningful justice for victims and the wider community.

Efforts to optimize the police's role in enforcing the crime of violent theft must be placed within an integrated criminal law policy framework oriented toward community protection. Effective law enforcement is not simply a matter of the quantity of cases resolved, but also concerns the quality of victim protection and the realization of substantive justice. From a criminal policy perspective, the police serve as the vanguard, determining the direction of concrete penal policy implementation on the ground.⁵⁷

The normative basis for these functions and authorities is regulated in Law Number 2 of 2002 concerning the Indonesian National Police. Article 2 of this law states: "The function of the police is one of the functions of state government in the field of maintaining public security and order, law enforcement, protection, shelter, and service to the community." Furthermore, Article 13 states that the main duties of the Indonesian National Police are: "a. maintaining public security and order; b. enforcing the law; and c. providing protection, shelter, and service to the community." These provisions indicate that the repressive and preventive functions are part of a unified constitutional mandate.⁵⁸

Furthermore, Article 14 paragraph (1) letter g stipulates that in carrying out its main duties, the police are tasked with "conducting investigations and inquiries into all criminal acts in accordance with criminal procedure law and other laws and regulations." Article 16 paragraph (1) provides the authority to, among other things, make arrests, detentions, searches, and confiscations. This normative formulation emphasizes that every action by the authorities must be based on the principles of legality and due process of law, so that the effectiveness of law enforcement remains within the corridor of human rights protection.⁵⁹

Optimizing this role requires strengthening the professional capacity of officers through ongoing education and training. Investigating cases involving violence requires skills in analyzing elements of the crime, forensic examination skills, and mastery of modern investigative techniques based on scientific crime investigation. This competency enhancement is the implementation of rational and systematic penal policies as formulated in criminal law policy theory.⁶⁰

Beyond technical competence, moral integrity and professional ethics are essential foundations. Law enforcement that focuses solely on procedures without humanitarian values has the potential to disregard the public's sense of

⁵⁷Barda, NA (2010). *Anthology of criminal law policies*. Jakarta: Kencana, pp. 24–32.

⁵⁸Indonesia. (2002). *Law Number 2 of 2002 concerning the Indonesian National Police*. Jakarta: State Secretariat, Articles 2, 13, 14, and 16.

⁵⁹*Ibid*

⁶⁰Barda, NA (2013). *Selected chapters on criminal law*. Bandung: Citra Aditya Bakti, pp. 112–118.

justice. In the concept of national criminal law reform, humanistic values must be the foundation of every law enforcement policy to ensure the law does not lose its ethical dimension.⁶¹

Strengthening facilities and infrastructure is also part of the optimization strategy. Violent crimes often require technology-based evidence, including digital evidence review and crime scene reconstruction. Without adequate facilities, the effectiveness of evidence collection can be hampered and impact the case's standing in court.⁶²

Preventive approaches through community policing need to be expanded as part of non-penal policy. Community participation in maintaining environmental security is a concrete manifestation of the concept of social defense, which places prevention as the primary strategy in crime prevention.⁶³

Victim protection is a central orientation in the modern criminal law enforcement paradigm, which is based on substantive justice and respect for human rights. In violent theft, victims not only suffer economic losses due to the loss of property but also often face psychological impacts such as fear, trauma, and prolonged insecurity. Therefore, victim-oriented law enforcement requires police officers to adopt an empathetic, sensitive, and humane approach from the report stage through the investigation process. This approach aims to prevent secondary victimization, a condition in which victims experience repeated suffering due to unresponsive treatment by officers or legal mechanisms. Victim protection thus embodies the goal of criminal justice, which focuses not solely on punishing the perpetrator but also on the victim's recovery and the restoration of a sense of justice in society.⁶⁴

The Islamic criminal law perspective places the protection of property (*ḥifẓ al-māl*) and life (*ḥifẓ al-nafs*) as part of the fundamental objectives of sharia (*maqāṣid al-syarī'ah*). Any act that threatens the safety of life and property is seen as a serious violation of social order and the public good. Although the Indonesian national criminal law system does not apply the concept of *ḥirābah* normatively, the basic values contained therein, such as protecting public security, preventing violence, and upholding social order, remain relevant as an ethical and philosophical foundation for law enforcement policies. Thus, the victim protection approach in positive law can be understood as a meeting point

⁶¹Barda, NA (2018). Scientific and religious approaches to criminal law reform. Semarang: Pustaka Magister, pp. 78–86.

⁶²Hiariej, EOS (2016). Principles of criminal law. Yogyakarta: Cahaya Atma Pustaka, pp. 201–208.

⁶³Muladi. (2002). Selected chapters on the criminal justice system. Semarang: Diponegoro University Publishing Agency, pp. 41–48.

⁶⁴Muladi & Arief, BN (2010). Criminal theories and policies. Bandung: Alumni, pp. 98–103.

between the principles of modern criminal law and the universal values of Islamic law, which prioritize human safety and societal security.⁶⁵

Synergistic coordination between the police and public prosecutors is a prerequisite for an effective integrated criminal justice system. Synchronization from the investigation stage will expedite the case administration process and minimize the potential for files to be returned due to formal or material deficiencies.⁶⁶

Information technology-based case management reforms strengthen transparency and accountability. Digital administration systems enable more effective internal oversight, reducing the risk of abuse of authority and increasing public trust in law enforcement institutions.⁶⁷

Research in the *Khaira Umma Law Journal* confirms that improving investigator professionalism significantly impacts the quality of evidence and the success of prosecutions in violent crime cases. Thematic education and regular evaluations are crucial development tools.⁶⁸

Other studies have shown that a restorative approach can be applied selectively in certain cases, as long as it does not compromise the principles of legal certainty and victim protection. This approach emphasizes that the goal of criminal law is not solely repressive, but also corrective and reconciliatory.⁶⁹

Optimizing the role of the police also requires strengthening internal and external oversight mechanisms. Effective oversight maintains the professionalism of officers and ensures that all actions remain within the law. Public trust is a key indicator of the success of just law enforcement.⁷⁰

The welfare of officers also influences the quality of their performance. Adequate welfare can minimize the potential for deviation and increase work motivation. Comprehensive institutional reform is a prerequisite for achieving professionalism in officers.⁷¹

⁶⁵Al-Shatibi. (tt). *Al-Muwāfaqāt fī uṣūl al-sharī'ah*. Beirut: Dār al-Kutub al-'Ilmiyyah, volume II, p. 8–15.

⁶⁶Muladi., & Barda, NA (1998). *Criminal theory and policy*. Bandung: Alumni, pp. 77–84.

⁶⁷Barda, NA (2008). *Problems of law enforcement and criminal law policy*. Jakarta: Kencana, pp. 59–66.

⁶⁸*Khaira Umma Law Journal*. (2020). "Improving Investigator Professionalism in Handling Violent Crimes."

⁶⁹*Khaira Umma Law Journal*. (2021). "Restorative Approach in the Criminal Justice System."

⁷⁰*Khaira Umma Law Journal*. (2022). "Supervision and Accountability of Law Enforcement Officials."

⁷¹*Khaira Umma Law Journal*. (2023). "Institutional Reform and Strengthening the Integrity of Law Enforcement."

As emphasized in criminal law policy theory, the effectiveness of law enforcement is largely determined by the balance between penal and non-penal policies. Penal policy refers to the formal use of criminal law, which includes the formulation of criminal offenses, the law enforcement process by law enforcement officials, and the application of criminal sanctions to perpetrators. This approach is repressive and functions as an instrument for controlling crime through the mechanism of punishment. Meanwhile, non-penal policy emphasizes crime prevention efforts outside of criminal law, such as social, educational, economic, and community development policies aimed at reducing criminogenic factors that cause crime. These two approaches are not mutually exclusive but should be understood as complementary strategies within a comprehensive criminal policy framework.⁷²

Therefore, optimizing the role of the police cannot be separated from the integration of penal and non-penal policies. The police are required not only to carry out repressive law enforcement functions but also to play an active role in supporting broader social policies, such as community-based crime prevention efforts and strengthening social order. This integration is a crucial prerequisite for creating effective, just, and community-protective law enforcement.⁷³

Clear and measurable standard operating procedures serve as guidelines for every stage of case handling. These standards ensure legal certainty and prevent disparities in treatment for perpetrators and victims.⁷⁴

Philosophically, optimizing the role of the police is a concrete manifestation of the state's protective function against the threat of crime. In a state governed by the rule of law, the police are not merely understood as a tool of power to enforce legal norms, but rather as a public institution that carries out a constitutional mandate to ensure a sense of security, order, and social justice. Professional, proportional, and community-oriented law enforcement reflects the state's commitment to humanitarian values, where criminal law serves not only as a means of social control but also as an instrument for protecting human dignity. Therefore, the moral legitimacy of law enforcement is largely determined by the extent to which police actions are able to balance legal certainty, justice, and public benefit.⁷⁵

Optimizing the role of the police must be carried out comprehensively by strengthening human resource capacity, apparatus integrity, the availability of facilities and infrastructure, victim protection, and institutional synergy within the criminal justice system. These efforts are prerequisites for ensuring that law enforcement is not only procedurally effective but also capable of delivering

⁷²Barda, NA (2016). *Anthology of criminal law policies*. Jakarta: Kencana, pp. 12–18.

⁷³Barda, NA (2010). *Anthology of criminal law policies*. Jakarta: Kencana, pp. 90–97.

⁷⁴Hamzah, A. (2014). *Principles of criminal law*. Jakarta: Rineka Cipta, pp. 145–150.

⁷⁵Arief, BN (2016). *Anthology of criminal law policies*. Jakarta: Kencana, pp. 20–25.

substantive justice rooted in community protection and respect for human dignity. With this approach, criminal law enforcement can function optimally as a means of realizing a just and civilized social order.⁷⁶

4. Conclusion

Based on the research results and discussion, several conclusions can be drawn: 1. Article 479 of the National Criminal Code defines theft with violence as a highly dangerous crime, as it not only causes property damage but also threatens the victim's life. This provision emphasizes the element of violence as an aggravating factor and reflects the protection of society and the principle of justice in sentencing. 2. The police play a crucial role in handling violent theft through their investigative, criminal investigation, and crime prevention functions. However, their implementation still faces challenges such as limited resources, difficulties in proving elements of violence, and differences in the effectiveness of case handling between regions. 3. Optimization of law enforcement needs to be carried out by increasing the professionalism of officers, strengthening facilities and coordination between law enforcement agencies, as well as a preventive approach and victim protection in order to realize law enforcement that is effective, fair, and oriented towards substantive justice.

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⁷⁶Muladi. (2002). Selected chapters on the criminal justice system. Semarang: Diponegoro University Publishing Agency, pp. 55–60.

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