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## The Role Of The Police In Coping With The Case Of Thuggery In The Batudaa Sub-District

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### ABSTRACT

The implementation of this research was to find out and analyze how the role of the police in coping with thuggery cases in the Batudaa sub-district and to find out the factors that cause thuggery cases in the Batudaa sub-district. This type of research was empirical research. The results of the study showed that the role of the police in coping with thuggery cases in the Batudaa sub-district has been carried out by taking pre-emptive, preventive, and repressive actions. Meanwhile, the factors that caused the occurrence of thuggery cases in the Batudaa sub-district were the low level of public awareness due to several factors that caused the occurrence of criminal acts of thuggery, namely economic factors, understanding of the law, as well as unsupportive culture, and community environment.

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## 1. Introduction

Indonesia is a country that adheres to the rule of law state (*Rechtsstaat*) and is not based on mere power (*Machstaat*). Indonesia is also a democratic country whose government is a typical democracy.<sup>1</sup>

The Indonesian legal system as a system of rules that applies in the Indonesian state is a system of rules that is so complex and extensive, which consists of legal elements, where the legal elements are interlinked with each other, influence each other, and complement each other. The presence of a modern legal tradition that is binding and is indeed needed by the community causes many people to want or need to gain an understanding of the law.<sup>2</sup> Therefore, discussing one field or element or sub-system of the law that applies in Indonesia cannot be separated from the others, so that it is similar to the human body, the legal element is like an organ whose existence cannot be separated from other organs.<sup>3</sup>

The implementation of the role of the police leads to the very large task of the Police Institution to protect the State, with a very broad scope within the Police body there must be a clear assignment of tasks. Article 13 of the Law of the Republic of Indonesia Number 2 of 2002 states that the tasks of the Police of the Unitary State of the Republic of Indonesia are:<sup>4</sup>

- a. Maintaining Security and Order
- b. Enforcing the Law of Society
- c. Provide protection and aegis to the community.

Law as a social rule or norm cannot be separated from the values that apply in society and it can even be said that the law is a reflection and concretization of the values that at one time apply to society. It can even occur that certain cultural patterns form certain legal patterns as well. The law must be used as a guardian of order, peace, and guidelines for behavior in people's lives. The law must be able to be used as a reformer in the life of the nation and state which must be formed with an orientation to the future (for word looking), it should not be built with a past orientation (back word looking). Therefore, the law must be used as a driving force and a pioneer to change people's lives for the better and benefit

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<sup>1</sup>Izza Aliyatul Millah, 2020. *Penanggulangan Kejahatan Di Masa Pandemi Covid-19 (Dalam Perspektif Kriminologi Dan Viktimologi)*. Vol 6 Nomor 2. Jurnal Komunikasi Hukum. Hlm 498.

<sup>2</sup>Teguh Prasetyo, Abdul Halim Barkatullah, 2007. *Ilmu Hukum Dan Filsafat Hukum Studi Pemikiran Ahli Hukum Sepanjang Zaman*. Yogyakarta: Pustaka Pelajar. Hlm 68.

<sup>3</sup>Ilhami Bisri. 2017. *Sistem Hukum Indonesia (Prinsip-prinsip & Implementasi Hukum di Indonesia)*. Depok: Rajawali Pers. hlm 39.

<sup>4</sup>SD Fuji Lestari Hasibuan, Melisa, Novel, 2021. *Peran Kepolisian Dalam Melakukan Pembinaan Keamanan Dan Ketertiban Masyarakat Desa melalui Pendekatan Komprehensif (Penelitian Di Polsek Baturaja Barat)*. Vol 2 Nomor 1. Jurnal Pro Justitia (JPJ). Hlm 78.

all parties. One of the legal issues that are the concern of the public and the government is the case of thuggery.<sup>5</sup>

Crimes that occur in society today are the practices and actions of thuggery among the people. Crimes committed by thugs do grow in human social life. Especially in the State of Indonesia, which is growing from the existing formal systems and structures, it has given rise to informal systems and structures as a form of duality. Such conditions have been able to increase the number of acts of thuggery.

In terms of sociological factors, the emergence and birth of thuggery can be traced to the social gaps that occur in the structure of society. This gap can take the form of material differences as well as discrepancies in discourse within a community social structure group. Society can be interpreted as the struggle for group interests, where community groups hope that their interests will become a source for many people. This struggle for interests has caused problems so that personal interests and group interests in certain community structures are not monitored.

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Imbalances lead to acts of protest and dissatisfaction, then continue to shift the norms of individuals and certain community groups in a society. The neglect of the wishes of a community group can trigger the emergence of thug practices in the community. The practice of thugs does not only appear among the lower class of society but can also penetrate the upper classes of society, which are dominated by intellectuals. Based on the observations carried out, the case of thuggery has developed in the community, especially in the Batudaa sub-district area by looking at the following table:<sup>7</sup>

**Table 1**  
**Thuggery Case Data from 2019 to 2021**  
**Batudaa Sector Police**

NO	TYPE OF CASE	YEAR			Information
		2019	2020	2021	
1	Persecution	33	21	4	Article 351 of the Criminal Code
2	Beating	5	3		Article 170 of the

<sup>5</sup> Lanka Asmar. 2017. *Peranan Orang Tua Dalam Proses Persidangan Tindak Pidana Perjudian yang Dilakukan Oleh Anak*. Bandung: CV. Mandar Maju. hlm 1.

<sup>6</sup>Marwan Busyro, 2019. *Tinjauan Kriminologis Terhadap Preman Yang Melakukan Kejahatan (Studi Kasus Polsek Batangtoru)*. Vol 2 Nomor 2. Doktrina: Journal Of Law. Hlm 100

<sup>7</sup> Sumber Data Polsek Batudaa

<b>Criminal Code</b>			
<b>3</b>	<b>Stabbing</b>	<b>1</b>	<b>Article 338/351 of the Criminal Code</b>

Based on the initial observations carried out by the author, cases of thuggery received and processed by the Batudaa Sector Police from 2019 to 2021 there were quite a several cases.

This act of thuggery was very disturbing to people in their daily life. Although the number of thuggery cases has decreased from year to year, the number of thuggery cases was still high, indicating that there was still a weak legal awareness of the community and a lack of public understanding regarding the dangers of thuggery acts that could harm many parties, ranging from thuggery perpetrators and victims. This is where the importance of the role of the police in building public legal awareness through prevention efforts by taking a persuasive and educational approach to provide understanding to the community, especially the people in the jurisdiction of the Batudaa Sector Police. Seeing the results of the case, the importance of the role of the police in coping with cases of thuggery in the Batudaa sub-district was to prevent thuggery acts that occurred in the jurisdiction of the Batudaaa Sector Police.

Therefore, this article explored the following research questions; what is the role of the police in coping with thuggery cases in the Batudaa sub-district, and what are the factors that cause criminal acts of thuggery in the Batudaa sub-district?

## **2. Research Method**

The type of research used in this research was empirical legal research, namely analyzing the application of law that occurs in the field supported by direct data from the research location. Sources of data were obtained by observation and direct interviews with resource persons in the field. The analytical method used in data processing used descriptive data analysis techniques which aimed to provide an overview of the data obtained from the research location with a qualitative analysis approach.

## **3. Discussion**

### **3.1. 3.1. The Role of the Police in Coping with Thuggery Cases in the Sub-District**

Implementation in coping with cases of thuggery, Batudaa Sector Police as the main element and closest to crime is required to be able to have deterrence and real efforts from law enforcement officials who are truly competent in preventing criminal acts of thuggery.

Interview with the Criminal Investigation Division of Batudaa Sector Police, Mr. IPDA (Second Police Inspector) Burhan Isa, on December 6<sup>th</sup> at 09.50 WITA (Central Indonesian Time) that "The enforcement of criminal acts of thuggery in our area, the Batudaa Sector Police from the past until now, is still committed to continuing to eradicate thuggery practices because it is related to our role as the police force to enforce the law in bringing order to society from the crime of thuggery criminal acts."<sup>8</sup>

The roles played by the Batudaa Sector Police in coping with cases of thuggery in the jurisdiction of the Batudaa Sector Police include:

**1) Pre-emptive Measure (Anticipate)**

The pre-emptive measure is one of the measures carried out by the police to create conducive conditions by observing or early detecting factors that have the potential to be the causes, drivers, and opportunities for criminal acts of thuggery. Early detection was carried out to identify symptoms of problems that are expected to arise and develop into disturbances in public security and order.<sup>9</sup> Pre-emptive measures carried out by the Batudaa Sector Police include:

a) Socialization

Socialization to the community is an effort made by the Batudaa Sector Police to carry out their roles and responsibilities in socializing or providing counseling or seminars regarding the crime of thuggery. Regarding the form of socialization carried out by the Batudaa sector police, namely taking an individual persuasive approach to the community, especially to thuggery perpetrators, then carrying out legal counseling activities in the school education environment in collaboration with relevant agencies which aimed to add legal education to children, as well as work together with traditional institutions in Batudaa sub-district to guide the community through village institutions.

b) Mapping

The mapping was carried out in locations that were prone to criminal acts of thuggery, this mapping was carried out to determine where these locations were intending to suppress and even reduce the crime of thuggery. The mapping carried out by the Batudaa sector police was carried out in markets, schools, and community business places where crowds often occur.

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<sup>8</sup> Wawancara dengan Bagian Reskrim Polsek Batudaa Bapak IPDA Burhan Isa pada tanggal 6 Desember pukul 09.50 Wita

<sup>9</sup> Dela Ware Ranto Kaya. Opcit. Hal 8

## 2) Preventive Measure (Non-penal)

Preventive measure (Non-penal) is a preventive measure so that there is no violation of applicable norms, namely by trying so that the intention and opportunity factors do not meet so that the situation is kept safe and under control. Preventive measures of the police appeared in the form of tasks for maintaining security and public order and preventing violations of the law or the criminal act itself.

The non-penal approach covers a very broad area of crime prevention and includes both policy and practice. Non-penal means are preventive measures, ranging from code of ethics education to legal reform.

Non-penal handling, both by prevention without punishment as well as influencing the public's view of crime and punishment through the mass media has a strategic role as a preventive to prevent people from committing crimes. Because of its deterrent nature, non-penal handling must pay attention to various social and psychological aspects that are conducive factors that cause people to commit criminal acts of thuggery.

Preventive roles carried out by the Batudaa Sector Police for the sake of creating security and comfort in people's lives in the Batudaa Sub-District include:

1. His party has approached the community by establishing Polmas (Community Police) in preventing or overcoming the occurrence of criminal acts, especially criminal acts of thuggery. The formation of Polmas as a form of the role of the Batudaa sector police to approach the community in the Batudaa Sub-District by conducting persuasive communication which is carried out regularly every month with the determination of a predetermined schedule.
2. Carrying out patrols that were carried out in a directed and regular manner. The police conducted regular patrols in places where criminal acts of thuggery often occur in the Batudaa Sub-District. Carrying out patrols was one of the effective efforts in preventing disturbances in the community, in which the police officers went directly to the community and joined in maintaining security and improving order. The next application of the role of the Batudaa sector police is to carry out routine and scheduled patrols in the Batudaa sub-district.

In addition to the role of the police, based on an interview with a traditional community leader in Batudaa sub-district, Mr. H. Syam Mohammad on December 10<sup>th</sup>, 2021 at 11.10 WITA, there was a need for additional approaches to the community, namely<sup>10</sup>:

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<sup>10</sup> wawancara dengan tokoh masyarakat adat di kecamatan Batudaa bapak H. Syam Mohammad pada Tanggal 10 Desember 2021 pukul 11.10 Wita

1. Strengthening religious beliefs for each individual In the context of preventing criminal acts of thuggery, it is also necessary to conduct mental development of individuals in particular and members of society in general, for example by attending various religious educations.

2. The participation of parents in providing education and direction. Parents are obliged to provide education, parents concerning children's education are the main educators, therefore the responsibility of parents to children's education includes providing encouragement or motivation.

#### 1) Repressive Measures

Repressive measures are the final step carried out by the Batudaa Sector police to eradicate the practice of criminal acts of thuggery in the Batudaa sub-district.

The coping with criminal acts of thuggery in the jurisdiction of the Batudaa Sector Police was based on the data on the number of cases that have been handled by the Batudaa Sector police, namely:

**Table 2**  
**Thuggery Case Data from 2019 to 2021**  
**Batudaa Sector Police**

NO	TYPE OF CASE	YEAR			Information
		2019	2020	2021	
1	Persecution	33	21	4	Article 351 of the Criminal Code
2	Beating	5	3		Article 170 of the Criminal Code
3	Stabbing	1			Article 338/351 of the Criminal Code

Based on the number of cases in table 2, it could be seen that the types of crimes committed by thugs in the Batudaa sub-district from 2019 to 2021 there were 3 types of crimes. The types of crimes that have been handled by the Batudaa Sector Police for the last 3 years have been processed and resolved through legal processes or litigation. The application of criminal sanctions for thuggery is divided into 3 different types of criminal sanctions, namely:

1. Persecution

Article 351 of the Criminal Code

(1) Persecution is punishable by a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiahs.

- (2) If the act results in serious injury, the guilty person is threatened with a maximum imprisonment of five years.
- (3) If it results in death, it shall be punished by a maximum imprisonment of seven years.
- (4) Persecution is the same as intentionally damaging health.
- (5) Attempting to commit this crime is not punishable.

According to jurisprudence, the meaning of persecution is a deliberate act that causes discomfort, pain, or injury. Persecution regulated in the Criminal Code consists of:

- a) Persecution is based on Article 351 of the Criminal Code which is detailed on:
  - Ordinary persecution;
  - Persecution resulting in serious injury;
  - Persecution resulting in the person to die.
- b) Minor persecution is regulated by Article 352 of the Criminal Code.
- c) Premeditated persecution is regulated by Article 353 of the Criminal Code with the following details:
  - Causing serious injury;
  - Causing the person to die.
- d) Serious persecution is regulated by Article 354 of the Criminal Code with the following details:
  - Causing serious injury;
  - Causing the person to die.
- e) Serious and premeditated persecution as regulated in Article 355 of the Criminal Code with the following details:
  - Serious and premeditated persecution;
  - Serious and premeditated persecution resulting in the person dying.

## 2. Beating

Article 170 of the Criminal Code

- (1) Whoever openly and with collective force uses violence against people or goods, is threatened with a maximum imprisonment of five years and six months.
- (2) The guilty are threatened with:
  1. With maximum imprisonment of seven years, if he intentionally destroys property or if the violence used causes injuries;
  2. With maximum imprisonment of nine years, if violence results in serious injury;
  3. With maximum imprisonment of twelve years, if violence results in death.



(3) Article 89 is not applied. The core parts of this offense are: Committing violence in public or openly (*openlijk*); Together; Addressing a person or goods. The elements of article 170 are as follows:

1. Article 170 prohibits "commit violence". According to Article 89 of the Criminal Code, committing violence is defined as using force or physical strength that is not small in an illegal manner. For example, kicking, hitting with the hands, or with all kinds of weapons. This violence usually consists of destruction and persecution, but it can also be less. For example, if someone throws a stone at another person.
2. Committing violence in this article is not a means or an effort to achieve something but is an end. Besides, it does not include delinquency (Article 489), persecution (Article 351), and destruction of goods (Article 406). So there is no need for any particular result of violence. If the violence is in the form of throwing stones at someone, then there is no need for people or goods to be hit by the stone.
3. The violence must be carried out "together", meaning by at least two or more people. d. Violence must be directed against "people or goods"

### 3. Stabbing

1. Article 338 of the Criminal Code

"Whoever deliberately takes the life of another is threatened with murder with a maximum imprisonment of fifteen years" To be prosecuted under this article, the murder must be carried out as soon as the intent arises, and without further thought.

Interview with Criminal Investigation Division investigator, Mr. Briпка (Chief Police Brigadier) Siswanto Gobel on December 6<sup>th</sup> at 10.47 WITA. There are several stages in the process of repressive measures in law enforcement, namely:<sup>11</sup>

#### Receiving complaints

Implementation of the enforcement of criminal acts of thuggery begins with a complaint or report from the community against the practice of criminal acts of thuggery. Its application in the field is based on the complaint offense.

Based on the complaints received, there were obstacles experienced by the Batudaa sector police, namely unclear reports, making it difficult for the police to follow up on these complaints.

1. Investigation

The investigation is the process of tracking, finding, and looking for places where criminal acts of thuggery often occur. In conducting the investigation, the

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<sup>11</sup> Wawancara dengan Penyidik Polsek Batudaa Bapak Briпка Siswanto Gobel pada 6 Desember pukul 10.47 Wita

Batudaa Sector Police together with the operation section carried out an investigation. The obstacles that are often experienced by the police when conducting investigations are the lack of information that can be found from collaboration with the community as a source of information to witness the occurrence of thuggery acts.

According to the researcher, with an investigation, the police could find out whether an event is a criminal event as in accordance with article 102 paragraph (1) of the Criminal Procedure Code that "Investigators who know, receive reports or complaints about the occurrence of an event that should be suspected as a criminal act are obliged to immediately carry out the necessary investigative actions.

## 2. Inquiry

The inquiry carried out is a process of finding and collecting data and evidence that assists law enforcement in clarifying the object and subject of the perpetrators of the crime of thuggery.

## 3. Arrest

The arrests carried out by the police are a further effort in deepening the law enforcement process for criminal acts of thuggery. The perpetrators who became suspects were then arrested and secured as a form of the implementation process of legal action. The obstacle experienced by the police was that during the process of arresting the perpetrators of thuggery they took action against them for various reasons.

According to the researcher, based on Article 1 number 20 of the Criminal Procedure Code arrest is an act of investigators in the form of temporary restraints on the freedom of a suspect or defendant if there is sufficient evidence for investigation or prosecution and or judiciary in matters and according to the method regulated by law.

## 4. Confiscation of evidence

The confiscation of evidence by the police is contained in Article 33 paragraph (1) of the Criminal Procedure Code. The confiscation must be carried out with permission from the chairman of the local district court, the aim is to facilitate and speed up the process of law enforcement by the police in handling cases of criminal acts of thuggery.

## 5. Detention aims to facilitate and speed up the process of law enforcement by the police in handling cases of criminal acts of thuggery.

After going through the stages and processes, the police detain the suspect of a criminal act of thuggery in accordance with Article 21 paragraph (1) of the Criminal Procedure Code which is the basis for detention by investigators whose contents contain "the suspect or defendant is strongly suspected of being

the perpetrator of the crime in question and the strong suspicion is based on sufficient evidence.

Based on the description above, the criminal law process in Indonesia cannot be separated from the scope of the applicable criminal justice system. Muladi in Romli Atmasasmita's book suggested that the criminal justice system is a judicial network that uses material criminal law, formal criminal law, and criminal law enforcement. However, this institution must be seen in a social context. The nature of being too formal if it is based solely on the interests of legal certainty will bring disaster in the form of injustice. Muladi also emphasized that the meaning of the criminal justice system is synchronization or harmony which can be distinguished in:<sup>12</sup>

1. Structural synchronization is harmony in the framework of relations among law enforcement institutions.
2. Substantial synchronization is vertical and horizontal harmony concerning positive law.
3. Cultural synchronization is harmony in comprehending fully the views, attitudes, and philosophies that underlie the criminal justice system as a whole. The essence of the criminal justice system is to find out who the perpetrators of a criminal act of thuggery are, and what criminal sanctions are met by the perpetrator or thuggery who commits a crime of thuggery with violence to punish him or give him a punishment. The form or embodiment of criminal liability is the punishment of the perpetrator. The Indonesian criminal justice system is implemented based on the applicable Criminal Procedure Code, namely the Law of the Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP).

### **3.2. Actor Factors That Caused Criminal Act of Thuggery in the Batudaa Sub-District**

The role of the police in coping with cases of thuggery to prevent criminal acts of thuggery is the cause of the occurrence of criminal acts of thuggery in the Batudaa Sub-District. Based on an interview with Investigator Mr. IPDA (Second Police Inspector) Burhan Isa at the Batudaa Sector Police on December 6<sup>th</sup> at 09.50 WITA, the causative factors faced by the Police in preventing criminal acts of thuggery in the Batudaa Sub-District area, among others, are:

#### **1. Public Awareness**

The process of coping with thuggery cases in the jurisdiction of the Batudaa Sector Police Batudaa Sub-District was still constrained by the behavior of

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<sup>12</sup> Augustine Dwi Windya Sari, 2020. *Peran Kepolisian Dalam Pemberantasan Premanisme Yang Melakukan Tindak Pidana Pungutan Liar Dengan Kekerasan Di Kota Medan*. Vol 2 Nomor 02 Fakultas Sosial Sains. Universitas Pembangunan Panca Budi. Hal 53.

people who still grouped themselves as groups that the community wanted to fear, not even a few people who committed thuggery in remote areas which are very difficult to access by the Batudaa Sector police. Even more concerning, the existence of criminal acts of thuggery was kept a secret by the surrounding community on the grounds of good relations with fellow citizens in the area so the surrounding community allowed these criminal acts.

## 2. Economy

One of the most important factors and is often used as an excuse for criminals, is the economic factor. Economic factors greatly influence the desire to commit thuggery, by imagining greater profits. Economic factors are factors that play an important role in human daily life, this is because humans have needs (clothing, housing, and food) that must be met every day. Fulfilling these needs costs money, if there are more and more daily needs, the costs needed are also increasing.<sup>13Z</sup>

Interview with Investigator Mr. Burhan Isa on December 6<sup>th</sup> at 09.50 WITA "Every time an arrest is made to the perpetrators of thuggery, the perpetrators often argue that they depend on thuggery as their fulfillment of life and economy in the family, because they make thuggery as their daily income. However, in reality, after being investigated, it turns out that the perpetrators of thuggery generally have their jobs and incomes even though their incomes are uncertain, not even a few of them have businesses, so if it leads to economic reasons it is very inappropriate, although there are also perpetrators with weak economic backgrounds. However, economic factors cannot be used as an excuse to commit criminal acts of thuggery, even more so until they depend on life on thuggery acts."<sup>14</sup>

Based on the results of these interviews, it can be concluded that the Batudaa Sector police in every arrest of thuggery perpetrators often say that the cause of thuggery practices is due to financial or economic limitations that force them to commit thuggery crimes. However, in the results of the analysis and police findings, the perpetrators have income from their main job which they do every day and it can be concluded that thuggery acts are only used as additional income which sometimes can also harm themselves. Basically, on average, thuggery perpetrators have their jobs and businesses that can support their daily life, so it cannot be used as an excuse if the economy is the trigger for thuggery crimes, and for whatever reason, thuggery crimes should not be carried out.

Interview with one of the thuggery perpetrators with the initials YH on December 8<sup>th</sup> at 11:06 WITA that "The thuggery act is carried out as a form of making oneself feared by others because they do not have a permanent job and also as a form of fulfilling one's satisfaction. In addition, acts of thuggery are carried out to earn money."<sup>15</sup>

Based on the statement above that basically, the perpetrators of thuggery acts have different reasons depending on the goals that each thug wants. In

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<sup>13</sup> Meiana Wahyu Retno Mutia. 2017. *Tinjauan Kriminologis Terhadap Tindak Pidana Perjudian Sabung Ayam Dalam Masyarakat Di Wilayah Hukum Kabupaten Magetan*. Universitas Muhammadiyah Surakarta. Hal 5

<sup>14</sup> Wawancara dengan Penyidik Bapak Burhan Isa pada 6 Desember pukul 09.50 Wita

<sup>15</sup> Wawancara dengan pelaku Premanisme YH pada tanggal 8 Desember pukul 11.06 Wita

particular, the thuggery perpetrators explained that thuggery acts depend on the actions of the thugs to obtain economic benefits resulting from thuggery acts. However, without realizing that these thuggery acts could harm other people who are victims because unconsciously the thugs do not realize that the actions carried out could lead them to legal entanglements which would later be accounted for based on the type of criminal act committed.

Interview with the head of the customary institution of Batudaa Sub-District, Mr. Daud Monoarfa, on December 10<sup>th</sup> at 10.25 WITA that "the difficulty often faced in coping with criminal acts of thuggery lies in the communication built by the community to the police, making it difficult to follow up on these thuggery acts. In addition, the infrastructure that is not supportive is due to the Batudaa Sector police office which is not located in the Batudaa sub-district and is still integrated with other sub-districts, so the response is not optimal."<sup>16</sup>

### **3. Lack of Legal Knowledge**

The cause of lack of public awareness of the law can be caused by a lack of public understanding of the law itself. To overcome this, legal counseling is the best and most effective way to instill legal awareness in the community. With this legal counseling, the public will know what is prohibited by law and what the sanctions are if the prohibition is violated. Legal counseling, especially for criminal acts of thuggery, can be carried out by the police or other community organizations.

In this legal counseling, the police inform the public that thuggery acts are prohibited by law, then inform what types of thuggery acts can be classified as thuggery actions that should not be carried out and the sanctions for committing the criminal acts of thuggery.

The lack of coordination between the community and the police was also an obstacle factor in preventing criminal acts of thuggery. Therefore, the community must be sensitive and active to the surrounding conditions if there is a possibility of thuggery action. Ironically, sometimes, on the one hand, people are worried about the existence of thuggery actions, but on the other hand, some people are more supportive of thuggery actions by allowing these acts.

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<sup>16</sup> Wawancara dengan Ketua Lembaga Adat Bapak Daud Monoarfa pada tanggal 10 desember 2021 pukul 10.25 Wita

Interview with IS thuggery perpetrators on December 8<sup>th</sup>, 2021 at 10.30 WITA that "the purpose of doing thugs is to become people who are feared and can easily do anything so that there is a reluctance from the community so that all wishes can be fulfilled. In addition, acts of thuggery usually occur because of groupings consisting of several people to want to become rulers in that area."<sup>17</sup>

Based on information from the perpetrators of thuggery, without realizing that thuggery acts were initially used only as entertainment, in the end they were also used as a means to become a feared person in the eyes of many people in certain areas to create a lack of order and security in society.

#### **4. Environment and Habits**

Criminal law is often considered as the *Ultimum Remedium* and also *Residue* from other legal fields, after the legal field is considered unable to resolve conflicts that arise in society, that is where criminal law begins to function. It is no exaggeration if there are a lot of laws and regulations that are not actually in the field of criminal law including sanctions in the form of a criminal in one of the sanctions that can be imposed. This is where the meaning of criminal is the real *Ultimum Remedium*. Criminal sanctions can only be imposed when sanctions in the form of administrative sanctions and civil sanctions are deemed ineffective or have never been implemented at all. A clear example of this is in the law that regulates and controls the community environment.<sup>18</sup>

One of the factors that determine personality and establish a legal order in society depends on the environment and habits of the surrounding community, a society whose environment is surrounded by people who are accustomed to conditions that depend on thuggery activities. People who are involved in criminal activities are generally people who have minimal knowledge and understanding of the rules of law so that in implementation within the scope of society they cannot distinguish which ones are included in criminal acts. The perpetrators of thuggery do not see the background of work, age, and education, not even a few children who should still receive formal education and parental guidance must be caught in criminal cases due to lack of parental supervision who ignores every activity.

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<sup>17</sup> Wawancara dengan pelaku Premanisme IS pada tanggal 8 desember 2021 pukul 10.30 Wita

<sup>18</sup> Erdianto Effendi. 2014. *Hukum Pidana Indonesia*. Bandung: PT Refika Aditama. Hal 140

Interview with the Criminal Investigation Division of the Batudaa Sector Police, Mr. Bripka Siswanto Gobel on December 6<sup>th</sup> at 10.47 WITA<sup>19</sup> "In the community environment where the practice of criminal acts of thuggery is found, many people are interested in various groups, ranging from people who have a business background, are unemployed or not have a job, adults. In addition, the absence of supervision and reprimand by parents and those around them further adds to the practice of thuggery in the community and then it becomes a culture or habit that is kept secret by the community because the emergence of thuggery practices is often hidden so that it is difficult to be processed by the police. This is where community environmental relations could affect their environment, if there are individuals or several people in the community who have made thuggery acts as a source of income, then this crime is difficult to stop, but if the community wants to work together with the police and the community to protect their environment from the practice of thuggery, then the practice of thuggery can be eradicated and prevented."

Based on the statement above, the surrounding community plays an important role in the enforcement of criminal acts of thuggery. Cooperation between the community and the police is needed in eradicating the crime of thuggery so communication between the community and the police is very important in realizing the prevention of criminal acts of thuggery. Therefore, the enforcement of criminal acts of thuggery is also required for public openness and this is where the importance of knowledge, especially knowledge of the legal rules that have been regulated and are coercive for everyone in controlling their environmental life.

The environmental influences on criminal acts of thuggery are related to criminological theory, namely<sup>20</sup>:

1. Criminological theory based on crimes committed;
  - a. Differential association theory from Gabriel Trade explained that a person's crimes are the result of imitation of crimes that exist in society. Meanwhile, Edwin H. Sutherland argued that criminal behavior, including crime techniques, motives, drives, attitudes, and comfortable rationalizations, is learned through associations made by those who violate societal norms, including legal norms.
  - b. Opportunity theory from Richard A. Cloward and Lloyd Ohlin, stated that the emergence of crime and its forms of behavior depends on the

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<sup>19</sup> Wawancara dengan Bagian Reskrim Polsek Batudaa Bapak Bripka Siswanto Gobel pada 6 Desember pukul 10.47 Wita

<sup>20</sup>Agustine Dwi Windya Sari, Opcit. Hal 30-32



opportunity, both the opportunity to comply with the norm and the opportunity to deviate from the norm.

- c. Carl Roger's theories emphasized criminality on the interpretation of the individual concerned.
2. Criminological theory is based on perpetrators who commit crimes;
  - a. Social control theory refers to any perspective that discusses controlling human behavior, namely delinquency and crime related to sociological variables, namely family structure, education, and dominant groups. Meanwhile, Travis Hirschi provided an overview of the concept of social ties, namely if a person is separated or disconnected from social ties with society, then he is free to behave deviantly.
  - b. Psychoanalytic theory, which is about criminality, connects delinquent and criminal behavior with a conscience that is so dominant that it causes a sense of guilt or is so weak that it cannot control the individual's urges and for a need that must be met immediately.
  - c. Tension theory or anomie from Emile Durkheim explained that under certain social conditions, traditional social norms and various rules lose their authority over behavior. Meanwhile, Robert K. Merton considered that humans are always breaking the law after the disconnect between the goal and the way to achieve it becomes so great that the only way to achieve the goal is through illegal channels.
3. Criminological theory is based on the environmental conditions of a crime;
  - a. Sub-culture theory from Albert K. Cohen, has the basic assumption that the behavior of naughty children in the classroom is a reflection of their dissatisfaction with the norms and values of the middle-class group of children who dominate the cultural values of society.
  - b. Neutralization theory assumed that human activity is always controlled by the mind and that in society there is always a common opinion about the good things in people's lives and use proper ways to achieve them.
  - c. Social learning theory assumed that a person's behavior is influenced by learning experiences, social experiences with values, and expectations in social life.
  - d. The theory of pathological stimulation from Herbert C. Quay, namely that crime is a manifestation of various needs for increases or changes in the perpetrator's stimulation pattern.

Based on the description above, it can be concluded that the object of study in criminology related to criminal acts of thuggery included three things, namely:

1. Crime;

2. The criminal or the perpetrator;
3. Public reaction to both.

#### **4. Conclusion**

To maximize the role of the police in coping with criminal acts of thuggery in the Jurisdiction of Batudaa Sub-District, there is a need for public awareness in helping prevent criminal acts of thuggery in Batudaa Sub-District. Although the cause of low public awareness was due to economic factors, knowledge, and entertainment, this couldn't be done without having to commit a crime of thuggery. From an economic perspective, there were still many jobs that could be used as income, especially in the agricultural sector.

To anticipate the factors that cause criminal acts of thuggery in the jurisdiction of Batudaa Sub-District, first, there must be communication between the community and the police to prevent criminal acts of thuggery by opening discussion forums and complaints about the community regarding the prevention of criminal acts of thuggery in Batudaa Sub-District. Second, provide education or understanding that is directed to the community by maximizing and scheduling socialization in educational institutions such as at every school and through village institutions in the Batudaa sub-district about various types of criminal acts, especially thuggery acts that should not be carried out, so that people can be aware and know the impact of criminal acts of thuggery. Third, increasing the amount of time in carrying out patrol duties, especially in areas that are prone to thuggery actions.

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