

Measuring The Causes Factor Of The Criminal Act Of Persecution

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ABSTRACT

This study aimed to find out the factors causing the occurrence of criminal acts of persecution. The method used in this research was empirical or sociological research methodology. This study used a case approach, which was carried out by examining cases related to the issues faced and sampling using purposive sampling. The results of this study indicated that the occurrence of criminal acts of persecution in the jurisdiction of the Batudaa Pantai Sector Police was caused by the influence of alcoholic beverages, an unfavorable environment, and low education which also affected thinking patterns, the heartache that led to revenge, misunderstandings resulting from failure communication process, to uncontrolled emotions. The Batudaa Pantai sector police should make more use of social media in providing understanding to the community and school children so that legal awareness continues to increase in all circles because they see the impact that will be caused if they commit a criminal act.

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1. Introduction

Crime is a social problem that is not only faced by Indonesia or certain people and countries but is a problem faced by all people in the world. Crime, as stated by Saichiro Ono, is a universal phenomenon, not only in increasing numbers but also in quality being taken seriously compared to the past. Considering that Indonesia is also one of the countries that put forward the constitution in every aspect of the life of the nation and state.¹

Crimes against the body and crimes against life or commonly known as persecution and murder. The act of persecution is one of the phenomena that are difficult to disappear in social life. Various acts of persecution that often occur, such as beatings and physical violence often result in injuries to the victim's body or limbs, and sometimes even cause the victim to become physically disabled for life, including death. In addition, acts of persecution also often cause psychological effects or impacts on the victim such as trauma, fear, threats, and sometimes even victims of persecution who experience mental disorders and mentally. Especially in the persecution using tools that can have a fatal effect on victims of persecution. So indirectly the perpetrators must be processed legally.² As a result, these social problems are disturbing people's lives, so interaction in society is very disturbed. The negative consequences are very big if not addressed as soon as possible. Therefore, law enforcers, especially police officers, must act decisively and seriously in handling crime to ensure social welfare for the community.³ This pressure is a little more likely to cause a significant reaction to the existence of the community so the government through law enforcement must be careful in solving a problem that has to do with the community.⁴ The reason is that government policies as stated in laws and regulations are always followed by criminal sanctions⁵ and the involvement of the State which is also one of the characteristics of the conflict phenomenon.⁶

¹Fakhris Lutfianto Hapsoro. (July, 2020). Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution. JALREV 2 (2), Hal 145

²Fence M. Wantu. (2011). Hukum Acara Pidana. Reviva Cendekia, Yogyakarta. Hal 13

³Ariefulloh. (2019). Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak. JALREV 1 (2), Hal 199

⁴Fitriyadi, Ahmad Adi. (2020). Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement. JALREV 2 (2), Hal 127

⁵Hwian Christianto, Michelle Kristina. Fulfilling the Right of Education during Covid-19 Pandemic Period: A Comparative Study. JALREV 4 (1) 2022, Hal 1

⁶Yudha Chandra Arwana. "Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia." JALREV 1 (2) 2019, Hal 216

One form of crime that often occurs in society is persecution, this is based on the results of interviews and data obtained from the police and is often seen with our own eyes. When looking at the current state of society, people can carry out persecution and even persecution that results in serious injuries, there are many factors behind the occurrence of persecution, according to the results of observations, it was found that the factors causing this criminal act of persecution could not be separated from the behavior of the people who were not well controlled which was due to uncontrolled emotions, revenge, the influence of an unfavorable social environment, the influence of alcoholic beverages, personal or group disputes, and also misunderstandings can be a factor that can cause to acts of violence that lead to persecution. In addition, the Criminal Code has classified several articles related to persecution and also the types or forms of persecution which of course have different punishment consequences. As a form of data obtained from the Batudaa Pantai Sector Police, there were several cases of persecution that occurred as a result of various forms of cause and effect. Therefore, the duties and functions of the police in terms of enforcing the law in their area are very much needed by the local community, because it is their responsibility to maintain security and of course can protect the community in other positive things.

So, to find out the causes of an unkind act (as a violation of criminal provisions), criminology is studied. This is seen and reviewed from the definition of criminology itself, where that criminology is a science that studies crime. BONGER defined criminology as a science that aims to investigate the symptoms of crime as broadly as possible.⁷ The purpose of the process is solely to protect and provide rights and obligations rather than the victims themselves.⁸ Legal protection is crucial because it is an effort to integrate various needs in associations so that there are no clashes among needs and can enjoy all the rights granted by law.⁹

So according to the researcher, in terms of crime, is caused by many things, one of which is the process of digital development that is increasingly sophisticated, where humans have been active through social media. From the media, there will also be a negative side that arises, as is the case with misunderstandings, and emotions with various forms of existing tweets. Therefore, with increasingly sophisticated digital developments, at least reducing things that have to do with crime. In an increasingly modern era, humans are required to carry out positive actions, especially being able to be

⁷ Topo Santoso dan Eva Achjani Zulfa. (2001). *Kriminologi*. Jakarta, PT Raja Grafindo Persada, Hal 9

⁸ Putri Handayani Nurdin. (2019). *Politik Hukum Pengaturan Pendidikan Politik oleh Partai Politik*. JALREV 1 (2) Juli, Hal 146

⁹ Jufryanto Puluhulawa, Mellisa Towadi, dan Vifi Swarianata. Jufryanto Puluhulawa, Mellisa Towadi, dan Vifi Swarianata. *Jurnal Reformasi Hukum*, Vol. XXIV No. 2, Juli-Desember 2020, Hal. 197

as creative as they can. So modern times are an era where humans are required to develop themselves.¹⁰ Therefore we are required to have feelings based on love and compassion, mutual respect, mutual help, loyalty, honesty, and adequate physical and spiritual support.¹¹

So in criminology, it will be investigated why someone commits a criminal act that is not under the law as well as the norms that apply in society. Norms that develop in society and are flexible as well as encourage creativity in providing public services.¹² So criminology as one of the sciences that help criminal law is tasked with studying the reasons why someone commits a criminal act, what is the motivation, what are the consequences, and what actions will be taken to eliminate the act.¹³ As data obtained from the Batudaa Pantai Sector Police, the data showed that from 2018 to 2021 it is currently running that the cases are decreasing from year to year, but looking at the data above, of course, it has not given satisfaction in terms of how the responsibility of the police in terms of cope with crime act of persecution. The author himself as a community in Batudaa Pantai often sees various cases of persecution occurred but did not know clearly why the criminal act occurred and the efforts of the police as well as the government in coping with criminal acts, especially the persecution. As the data obtained from the Batudaa Pantai Sector Police, it was known that from the several cases mentioned above and the details, 4 (four) cases have been transferred to court and have permanent legal force, 2 (two) temporary cases have been tried or in-process and 26 cases resolved by mediation. According to the author, as an example and support of the statement above, in Kayubulan Village there has been a case of persecution that has caused knife stab wounds to the victim's body. However, at this time, the cause of the crime is not known, and what efforts have been made by the police and local government in resolving this persecution case.

2. Problem Formulation

After looking at the various statements that have been described in the background above, the researcher wanted to focus on the study of the factors that cause the occurrence of criminal acts of persecution

3. Method

¹⁰Bakung, Dolot Alhasni. (2020). Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right. JALREV 2 (1), Hal 67

¹¹ Dedi Sumanto, Titin Samsudin, Fikri Asnawi Amiruddin. The Existence of the Religious Court in Handling Divorce Cases on the Reason of Domestic Violence. JALREV 3(2) 2021, Hal 228

¹² Norma L.P. Wemben. (2010). "Kinerja Pelayanan Pada Kantor Badan Pertanahan Nasional Kabupaten Gorontalo." Jurnal Legalitas 3 (2), Hal 131

¹³ Teguh Prasetyo, (2011). Hukum Pidana. Jakarta, PT Raja Grafindo Persada, Hal 16

The type of research used was empirical legal research which examined the causes of persecution obtained through interviews and real actions obtained through direct observation. While the sampling used purposive sampling and data analysis used a qualitative research approach.

4. Analysis or Discussion

Factors Causing the Occurrence of Criminal Act of Persecution

The term criminology derives from the English *criminology* which is rooted in Latin, namely from the word *crimen* which means crime or criminals and *logos* which means knowledge. From that definition, it can be concluded that criminology is the science that studies crime.¹⁴ So with that, if it is associated with law enforcement by the authorities, what is upheld is the justice process for both perpetrators of criminal acts and victims of persecution. However, in the justice process, more attention should be paid to the victims of persecution, who must be protected and given their rights as victims under the applicable laws and regulations. What is more important is that currently, law enforcement has become one of the most efficient steps in doing business.¹⁵ As stated by Prof. Fenty Puluhuawa in her writings that the Government through law has provided a starting point for justice, which is carried out for the sake of justice based on Belief in the One and Only God.¹⁶ To quote as said by Fence M. Wantu in his Journal that the essence of justice is an assessment from one person to another, which is generally seen from the party receiving the treatment only.¹⁷ quoting as said by Suwitno Yutye Imran that Justice serves as a guide to distinguish between fair and unfair actions, elements of the aspect of justice can be contained in the substance.¹⁸

In addition, the right to life must also be protected by the state, especially the rule of law state, especially when it comes to criminal acts which have damaged the order of human rights in general.¹⁹ The existence of human rights (HAM) will not have any meaning if it is not followed up with the law that regulates the relationship of these rights, meaning

¹⁴ Wahyu Widodo, (2015). *Kriminologi Dan Hukum Pidana*, Semarang: Universitas Pgris Semarang Press, Hal 1

¹⁵ Mohamad Rivaldi Moha. (July, 2020). Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce. *JALREV 2 (2)*, Hal 115

¹⁶ Fenty Puluhuawa, Lusiana M, Tujow, Sutrisno. (2020). "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim." *Jurnal Gorontalo Law Riview*. 3, (2) Oktober, hal 184

¹⁷ Fence M. Wantu. (Juni, 2013). Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata. *Jurnal Mimbar Hukum*, 25 (2), Hal 206

¹⁸ Suwitno Y. Imran. The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments. *JALREV 3 (2) 2021*, Hal 398

¹⁹ Lisnawaty Badu. (2012). Euthanasia Dan Hak Asasi Manusia. *Jurnal Legalitas*. 5 (1), Hal 1

that it is the law that formalizes human rights into a set of rules to maintain and protect so that they do not become clashes in the life of society and the state.²⁰ Indonesia is the highest agreement of the forming states, even though it experienced a constitutional test when the 1945 Constitution was changed to the Constitution of the Federal Republic of Indonesia in 1949, however, the recognition of areas under the auspices of the Indonesian State is still recognized.²¹

Based on the results of an interview with the Head of Criminal Investigation Unit of the Batudaa Pantai Sector Police, Aipda (Police 2nd Sub-Inspector) Suwarjono Suleman, he stated that two factors led to the emergence of criminal acts of persecution in the Batudaa Pantai Sector Police area, namely:

1. External Factors

External factors are factors that originate from outside a person or individual. This factor includes the surrounding environment including the closest people. The external factors in question are:

a. Alcoholic Beverage Factor

The influence of alcoholic beverages on crime is very dominant. Starting from theft, rape, and even persecution the influence of these beverages often encourages someone to commit a crime. Many people who consume end up dealing with law enforcement officials because after consuming excessive beverages so a person is out of control, that's when the person's self-awareness can be said to be reduced even to the point of loss of consciousness or it can be said that someone is drunk and eventually causes a violation that is disturbing the community.

Based on the information explained by Aipda (Police 2nd Sub-Inspector) Suwarjono Suleman that the factor of alcoholic beverages is one of the triggering factors for crime, especially persecution because someone who has consumed alcoholic beverages that person's consciousness is reduced and can even lose consciousness, when he is drunk he is out of control and could commit acts that violate the law because he no longer knows what he is doing and this, of course, can disrupt security and peace in society.

b. Environmental factor

²⁰Tijow, Lusiana. Perlindungan Hak Asasi Manusia Teriiadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah. *Jurnal Legalitas* 3 (2), Hal 80

²¹ Novendri M. Nggilu. Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo. *Lambung Mangkurat Law Journal* Vol 5 Issue 2, September (2020), Hal 110

Environmental factors are one of the factors that have an influence on the occurrence of criminal acts of persecution where this can be reflected in a person's daily life in interacting, if the interaction is carried out in a positive environment, of course, the character and behavior will develop well. However, if a person in his daily life interacts in a negative environment, in this case, it supports him to commit a crime, then one day he will also commit the crime.

Aipda (Police 2nd Sub-Inspector) Suwarjono Suleman emphasized that environmental factors are indeed one of the factors that cause criminal acts of persecution, especially in the jurisdiction of the Batudaa Pantai Sector Police. The explanation above is clear that interactions in an unfavorable environment can affect a person's character and way of thinking to commit crimes, plus an environment that provides examples and opportunities to commit a crime.

2. Internal Factors

Internal factors are factors that come from within a person or the individual. This factor is usually in the form of attitudes and traits that are inherent in a person. The external factors in question are:

a. Educational Factor

A low level of education, this factor greatly affected the incidence of crime where a person with low education both formally and non-formally can affect the pattern or way of thinking of a person to make decisions. Although this is very relative, the reality in society showed that this low level of education affected daily behavior.

b. Revenge Factor

The problem of revenge is also one of the factors that trigger someone to commit a crime, many people take revenge and do not think about the consequences of what they do, this happens because someone has felt hurt before, this revenge often happens because they think that their self-esteem is lowered. This is where crimes often occur.

Based on the information explained by Aipda (Police 2nd Sub-Inspector) Suwarjono Suleman, it could be analyzed that the revenge factor is the cause of crime, where this grudge is directly related to the previous incident, it is possible that someone has been beaten or he feels offended by another person, causing him to be hurt and from this pain, it can cause revenge that ultimately leads to crime.

c. Misunderstanding Factor

This misunderstanding factor is often the cause of crime, especially in the jurisdiction of the Batudaa Pantai Sector Police, this is caused by a lack of good communication between individuals and other individuals and even the failure of the communication process, and explanations are not conveyed properly.

d. Emotional Factor

Emotional factors are the influence of a person's perception of the changes that occur in themselves as a response that comes from outside, someone who is temperamental or irritable can be a trigger for a crime if a person cannot control himself properly. Especially if it has something to do with digitalization, which is increasingly developing.

Thus, from the results of the study, the researcher could analyze that the occurrence of criminal acts of persecution in the jurisdiction of the Batudaa Pantai Sector Police was caused by the influence of alcoholic beverages, an unfavorable environment, and low education so it also affected thinking patterns, the heartache that led to revenge, misunderstanding caused by the failure of the communication process, to uncontrolled emotions. All of them were factors that caused crime in the Batudaa Pantai Sector Police area, especially persecution, on the other hand, the researcher observed that all these crimes were triggered by those who don't have jobs that can occupy everyone which makes them focus on a job that can earn money and make their dreams come true, so that trivial things that should not be a big problem, will become big because there is nothing to preoccupy them coupled with an environment that provides examples and opportunities to commit crimes.

5. Closing

A. Conclusion

The occurrence of criminal acts of persecution in the jurisdiction of the Batudaa Pantai Sector Police was caused by the influence of alcoholic beverages, an unfavorable environment, and low education so it also affected thinking patterns, the heartache that led to revenge, misunderstandings caused by the failure of the communication process, to uncontrolled emotions.

B. Suggestion

The Batudaa Pantai sector police should make more use of social media in providing understanding to the community and school children so that legal awareness continues to increase in all circles because they see the impact that will be caused if they commit a criminal act.

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