
Criminological Analysis of the Crime of Theft by Actors Outside Gorontalo

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ABSTRACT

This study aims to determine and analyze what factors cause the rise of criminal acts of theft whose perpetrators come from outside Gorontalo. The type of research used in this article is empirical legal research with a qualitative approach. Furthermore, the data will be analyzed descriptively by describing and providing interpretations of the data obtained in the field by basing on the applicable norms or legal rules associated with the subject matter studied, namely those concerning theft. The results of this study indicate that the factors that cause the rise of criminal acts of theft whose perpetrators come from outside Gorontalo are 1) Economic factors that result in unemployment and poverty. 2) The development of globalization and the lack of communication between the police and the sub-district government, the development of globalization moves feel so fast that people can quickly move from one place to another and this is accompanied by a surveillance system that exists in every border between provinces which is so free that it makes it easier for the movement of the people. criminals to move from one place to another. 3) Individual and Victim Factors, it is undeniable that every criminal act that occurs is also influenced by the victim's careless and careless factors so that it invites the intentions of the perpetrators of the crime.

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1. Introduction

The State of Indonesia is a constitutional state as regulated in the 1945 Constitution, especially in Article 1 paragraph (3), this means that all aspects of life in this country are regulated based on the rule of law. As a country that adheres to the Civil Law System tradition, in reading the Indonesian legal system, it must depart from the strongest legal hierarchy, namely the constitution embodied in the 1945 Constitution.¹ because it is one of the mandates of the Preamble of the 1945 Constitution as a sublime agreement for the formation of the Indonesian state.² Besides Pancasila as the nation's view of life in fostering an ethical and moral national life³, The constitution is present as a means of regulating life, both in individual life, social life and state life as well as to protect human rights so that they become the constitutional rights of citizens.⁴

There are important things in the rule of law, namely the commitment and respect for upholding human rights and guarantees for all citizens with their position under the law.⁵ In living in a society, everyone will not be separated from the interaction between one individual with another individual. As social beings created by Allah Subbhanahu Wata'ala, humans will not be able to live if they do not interact with other humans. However, if humans are lulled by these desires and dreams without looking back at the limitations they have, then the human will fall into error and subsequently, humans will fall into evil.⁶

Crime is a social phenomenon that has no end to study, this is considering the development of crime along with the development of human life. Crime as a social phenomenon is more influenced by various aspects of life in society such as politics, economy, socio-culture, and matters relating to the defense and security of the State. The crime that has a high frequency of occurrence is the crime of theft. as well as the development of human life, theft has also experienced some progress in the technique of its implementation and the perpetrators.

Therefore, to prevent a crime, a formulation is made in the law because the act is considered an act that endangers a legal interest. By stipulating a prohibition to carry out an act accompanied by threats/criminal sanctions for those who violate it, it means that the law has provided legal protection for these legal interests.⁷

¹ Lisnawaty W. Badu, et al. (2021). Perlindungan Hak-Hak Konstitusional Masyarakat Adat Di Kabupaten Boalemo Dalam Penerapan Sanksi Adat. *Jurnal Konstitusi*, 18(1), 221

² Mohamad Rizky Alhasni, Lisnawaty W. Badu, Novendri M. Nggilu. (2019). Menakar Peran Kepolisian Dalam Mencegah Tindak Pidana Pencabulan Terhadap Anak Di Bawah Umur. *Jurna Legalitas*, 12(2), 111

³ Abdul Hamid Tome. (2020). Membumikan Pancasila: Upaya Pelembagaan Nilai Pancasila Dalam Kehidupan Masyarakat Desa. *Al-'Adl*, 13(1).

⁴ Ahmad, Novendri M. Nggilu. (2020). Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip The Guardian Of The Constitution. *Jurnal Konstitusi*, 16(4), 785-808

⁵ Dirgahayu Abrianti. (2020). Tinjauan Kriminologis Tentang Kejahatan Pencurian Dengan Kekerasan Pada Anak. *Jurnal Ilmiah Ilmu Hukum*, 26(7), 915

⁶ Ende Hasbi Nassaruddin. *Kriminologi*. (Bandung: Pustaka Setia, 2016), 2

⁷ Adam Chazawi. *Kejahatan terhadap Tubuh dan Nyawa*. (Jakarta: PT. Raja Grafindo Persada, 2013), 2

There is an opinion that crime is not only caused by things that lie within the individual, but the causes also come from outside. However, there is another opinion that comes from several experts, R. Owen, for example, thinks quoted by Aditya Peramana Maheztra, et al in their journal entitled a criminological review of crimes committed by motorcycle gangs in the Bali Regional Police jurisdiction, revealing that the surrounding environment also has a role to play. In one's behavior, if one is in a bad environment, one's behavior becomes evil and the environment is the opposite.

Crime is an example of a violation of public order. The problem of crime is an eternal problem in human life because it develops in line with the development of the level of human civilization. The history of the development of society before, during, and after the Middle Ages is marked by various human efforts to maintain their lives.⁸

The term crime is given to a behavior that is deviant, detrimental, and disturbing to society. From a legal point of view, of course, some behaviors can be categorized according to the norms and some that are not by the norms. Against behavior by the norms (law) that apply is not a problem. Behavior that is not by the norm can usually cause problems in the field of law and harm the community. Behavior that is not by the norms or can be referred to as deviation from the agreed norms turns out to disrupt the order and peace of human life. Such abuse is usually labeled by society as a violation and even as a crime.⁹

The problem of crime is a problem that is familiar to the people of Indonesia, especially the people who live in Gorontalo, this crime problem is a problem that is arguably quite complex faced by law enforcement authorities, in this case, is the Indonesian National Police, considering the crime model that continues to change and happened briefly. Crime in Gorontalo itself is increasing every day, this is due to the limited number of jobs, and the intense competition for jobs, this is exacerbated by the current condition of Indonesia, whose economy is affected by the COVID-19 pandemic, so many people are unemployed and have no work. This, according to the author, has the potential to cause a higher number of crimes that occur in the community.

In the current era of globalization, various kinds of criminal acts occur before our eyes, whether it is happening around us or what we see through media stations, whether it is print media or electronic media. The crimes reported also varied, ranging from murder, rape, persecution, premeditated murder, drug trafficking, and theft accompanied by murder, burglary, and theft.

One of the crimes that are increasingly rampant in Gorontalo is not criminal theft, theft of shop goods, theft of motor vehicles, theft of mobile phones, theft of animals, to theft of batteries in a tower belonging to a telecommunications company, but the

⁸ Romli Atmasasmita. *Teori dan Kapita Selekt Kriminologi*. (Bandung: PT Refika Aditama, 2013), 63

⁹ Nursariani Simatupang, Faisal. *Kriminologi Suatu Pengantar*. (Medan: Pustaka Prima, 2017), 39

perpetrators of the theft that occurred in Gorontalo itself is not only carried out by perpetrators from within the province of Gorontalo, but some of the perpetrators also come from several areas outside Gorontalo, some of those arrested even have a large network specializing in the theft of mobile phones and motorized vehicles that are connected in various cities in Sulawesi.

Several cases that have been uncovered by the police team from Gorontalo have found that the perpetrators of the thefts came from Central Sulawesi and North Sulawesi. In 2019 the police from the Gorontalo City Police managed to arrest a cross-provincial theft syndicate of motorized vehicles and mobile phones, the perpetrators were arrested while carrying out their actions in Gorontalo.

According to data obtained by prospective researchers related to criminal cases of theft committed by perpetrators from outside the Gorontalo area that occurred in the Gorontalo City area in 2018 as many as 3 people, in 2019 as many as 1 person, and in 2020 as many as 6 people. The weak surveillance system at each border has become an easy target for gangs of thieves across provinces to carry out their actions in Gorontalo, this was confirmed by the Head of Criminal Investigation at the Gorontalo City Police, AKP Deni Muhtamar, S.sos, SH, in an interview quoted by Gopos. Id as saying that our border system is still weak, there are no officers who carry out border checks by him, and there are many cross-provincial thieves who carry out their actions in Gorontalo, this requires cooperation from every element of the government and the police from each province.

2. Method

The type of research used in this article is empirical legal research with a qualitative approach. According to Mukti Fajar and Yulianto Achmad that sociological or empirical legal research, includes research on legal identification and research on legal effectiveness.¹⁰ Furthermore, the data will be analyzed descriptively by describing and providing interpretations of the data obtained in the field by basing on the applicable norms or legal rules associated with the subject matter studied, namely those concerning theft.

3. Result and Discussion

3.1. Factors Affecting the Rise of the Crime of Theft by Perpetrators from Outside the Gorontalo Region.

Crime is a social phenomenon that has no end to study, this is considering the

¹⁰ Mukti Fajar, Yulianto Achmad. *Dualisme Penelitian Hukum Normatif dan Empiris*. (Yogyakarta: Pustaka Pelajar, 2010), 153.

development of crime along with the development of human life. Crime as a social phenomenon is more influenced by various aspects of life in society such as politics, economy, socio-culture, and matters related to national defense and security efforts.¹¹ The crime that has a high frequency of occurrence is the crime of theft. As with the development of human life, theft has also experienced several patterns of progress in its implementation techniques and perpetrators.

Crime in human life is a social phenomenon that will always be faced by every human being, society, and even the state. Reality has proven that crime can only be prevented and reduced, but it is difficult to eradicate.¹²

There is not a single country that is devoid of crime, whether it is a developing country or a developing country. However, this does not mean that there is no need to try to overcome crime. One way to tackle crime is through criminal law."

According to Andi Hamzah, crime occurs in every space, place, time, and nation. It is a phenomenon of human life. The only thing that can be done is to make efforts that can prevent and reduce crime in society. Djoko Prakoso believes that crime does not occur and does not exist in a vacuum. Where there is more than one human being, where there is society, there is a crime. Crime is always closely related to the values, structure, es, and forms of society.¹³ According to Sahetapy, talking about crime and criminals, it can be concluded that crime contains certain connotations, is a relative definition and naming, contains variability and dynamics, and is related to actions or behavior (both active and passive) which are judged by the majority of the minority community. As an anti-social act, rape is against the scale of social values and the principle of legal feeling that lives in society according to space and time.¹⁴

The crime of theft can occur because several factors encourage the occurrence of these actions. The causes of the crime of theft can come from internal factors (internal) and external factors (external). Internal factors are factors that come from within the mind/self of the perpetrator to commit the crime.

Internal factors due to encouragement are caused by several factors such as economic and mental actors. Economic factors, the cause is economic pressure/meeting the needs of life that is difficult so that it causes someone to think about taking shortcuts to meet the needs of life. While the mental factor is caused by the perpetrators having bad habits and looking for large incomes with shortcuts. Economic problems are usually not

¹¹ Indah Sri Utari. *Aliran dan Teori Dalam Kriminologi*. (Thafa Media: Yogyakarta, 2012), 23

¹² Bambang Waluyo. *Pidana Dan Pemidanaan*. (Jakarta: Sinar Grafika, 2000), 1

¹³ Djoko Prakoso. *Hukum Penintensier Di Indonesia*. (Yogyakarta: Liberty, 1988), 10

¹⁴ Sahetapy, JE, B. Mardjono. *Paradoks Dalam Kriminologi*. (Jakarta: Rajawali, 1982), 1

the main factor. This mental factor can also be caused by the association of the perpetrator, the lifestyle of the perpetrator who wants something more so that his ability to fulfill this desire is not sufficient.

Regarding the problem of crime, criminology scholars examine from several points of view or expertise, each according to the discipline they are engaged in, some of which look at anthropological factors, sociology, and so on. Besides that, it can also be seen from a psychological or psychological point of view, where the crime is committed because of the psychological disturbance of the perpetrators of the crime, and this has become a determination as to the causes of the crime, and besides that the main causes of crime, due to the conditions and circumstances of the community itself.

In the case that occurred in Gorontalo City, Mr. Yogi revealed that the factors that caused the rise of criminal acts of theft whose perpetrators came from outside Gorontalo were economic, individual factors, and weak border control between provinces.

1) Economy

Crime in Indonesia is still rife, demands due to the necessities of life and environmental conditions are the driving force for an individual or group of people to commit criminal acts. Knowledge of crime is studied in criminology, in that science the tendency of individuals to commit crimes can be seen from a biological, sociological, and another perspective. This science also gives two meanings to the term crime, namely juridically and sociologically. Sociologically, crime is a human behavior created by society. Generally, criminals do illegal things because the estimated satisfaction they will get is much greater than the satisfaction they would get if they followed the applicable law or legal actions.

As stated by Iptu Arif Ibrahim, KBO Criminal Investigation Unit of the Gorontalo City Police in his interview, he said that the economic factor is the reason why there are still many perpetrators committing the crime of theft is due to economic factors, conditions are increasingly difficult to find work so people are motivated to commit crimes. the crime of theft.

This is in line with the opinion expressed by Purwanti, E. Y., & Widyaningsih, in their

economic journal entitled Analysis of economic factors that influence crime in East Java. The increase in the number of crimes is thought to be influenced by several economic factors such as economic growth, unemployment, poverty, and population density.¹⁵

To meet the economic needs of his life, various ways are done so that his life needs can be fulfilled. Thus, it can create a potential to commit a crime, one of which is the crime of motor vehicle theft which will have an impact on the security system.

The crime rate of theft is increasing along with the development of an increasingly heavy economic burden while the unemployment rate is getting higher. This greatly affects the welfare of people. People who have a low standard of living so that they have a low level of welfare, usually do not care about the applicable legal norms and existing sanctions where the action is carried out to fulfill their needs.¹⁶

2) The Development of Globalization and the Lack of Communication Between the Police and the Village Government

Global developments have a positive impact on the progress of a country, while for individuals global development is a means to show that he is someone who can fulfill their life needs in this period of global development. In addition, someone who has something (wealth) is seen as a successful person, this of course makes everyone in society compete with each other to show that he is the most superior. And it is undeniable that people who were previously less able will also compete even if they use the wrong methods. Most of them prefer a practical way rather than having to work harder without thinking about what risks they will receive in the future for the actions they have done. Like one of the perpetrators of motor vehicle theft "seeing other people have good things makes you want it, so I stole a motorbike and then I sold it and the money was used to buy the things I wanted earlier."

Advances in technology, especially the mass media, also influence a person to do evil. The mass media provide a stimulus to one's thoughts in social life. It is not uncommon for television shows to provide examples of motor vehicle theft, even though these shows are not meant to provide an example. Thoughts and perceptions of each individual are certainly different too, therefore, television shows can give a bad impression to someone.

If Indonesia is currently carrying out development in all fields according to the stages in its five-year development plan, then it is natural to look at the other side of the development, namely the action of a person or group of people that the community does not like, namely what is generally called a crime. Crime is likened to a nation's energy sucker. Crime causes harm to the community, the smooth running of production is disrupted, people feel anxious and cannot work calmly, and so on.

¹⁵ Purwanti, E. Y., Widyaningsih, E. (2019). Analisis faktor ekonomi yang mempengaruhi kriminalitas di Jawa Timur. *Jurnal Ekonomi-QU*, 9(2), 3

¹⁶ Adibah Oktavia (et.al), "Antologi Esai Hukum Dan HAM: Afiliasi Hukum Dan HAM Dalam Mewujudkan Perlindungan Hak Asasi Masyarakat Indonesia" (Malang: Universitas Muhammadiyah Malang Press, 2020), 57

In addition, the system in every kelurahan is still weak, in which some of the perpetrators we arrested and they live in one of the boarding houses, but strangely the local government, whether it's the head of the RT/RW, never knew about their arrival. even though everyone who comes to a new place is required to report 1x24 hours, as stated by resource person Abduramhman Malaka, the chairman of RW 2 Heledulaa Utara said that every new person who comes must report independently, but if he doesn't have the opportunity then the owner of the boarding house is responsible to report it, whether it was in person or via WhatsApp, as a result, the police did not have data related to migrants who came from outside the area and lived in Gorontalo City.

3) Individual and victim factors

Someone whose behavior is good will result in that person getting an award from the community, but on the contrary, if someone behaves badly then that person will cause chaos in society. Those who can control and develop a positive personality will be able to produce many benefits both for themselves and for others. Meanwhile, those who cannot control their personality and tend to be swayed by developments will continue to be carried away by the current where it will flow. Whether it's good or bad they will still follow it. There are also causes for someone to commit a crime, as mentioned above that human desire is something that has no limits.

Individual factors and victims also have a big role so that many criminal acts of theft occur, as said by Mr. Yogi that at first, the perpetrators had no intention of making other people's motorbikes or other people's belongings, but because the perpetrators saw that there were items left by the victim. the owner and the owner are not far from the item, so the perpetrator immediately takes the item.

Apart from the perpetrator, the victim is no less important factor in the occurrence of a crime. The victim's carelessness is the key to a crime, for example in the case of motor vehicle theft, the victim takes the motorcycle out in front of the house by starting the engine first, then the victim goes back into the house to pick up something left behind. At this point, the negligence of the victim can lead to a crime. A person who happened to pass by the house saw a motorbike that was ready to be taken away without thinking, and could just take the motorbike, even though that person had no intention of taking the motorbike.

From the results of the analysis above, it can be concluded that the victim factor itself has a big role in bringing up the intention of a perpetrator to commit a crime of theft, careless and careless nature so that it is used by the perpetrator.

4. Conclusion

Based on the discussion above, it can be concluded that the factors that cause the rise of criminal acts of theft whose perpetrators come from outside Gorontalo are 1) Economic factors that result in unemployment and poverty. 2) The development of globalization and the lack of communication between the police and the sub-district government, the development of globalization moves feel so fast that people can quickly move from one

place to another and this is accompanied by a surveillance system that exists in every border between provinces which is so free that it makes it easier for the movement of the people. criminals to move from one place to another. 3) Individual and Victim Factors, it is undeniable that every criminal act that occurs is also influenced by the victim's careless and careless factors so that it invites the intentions of the perpetrators of the crime.

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