



Overview Of The Crime Of Management Of Severe Massage

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Abstract: This study aims to determine the handling of the crime of severe persecution. The method used in this research is empirical or sociological research methodology. This study uses a qualitative approach and sampling using purposive sampling. The results of this study indicate that non-criminal mistreatment is carried out in two stages, namely preventive countermeasures and repressive countermeasures. As for preventive countermeasures, there are several things that are carried out by law enforcers which are to prevent the occurrence of criminal acts of persecution, especially the type of severe abuse, including those carried out in this preventive stage such as legal counseling, patrols in certain areas and conducting bhabinkamtibmas. Meanwhile, in the repressive countermeasures stage, it is certainly the final action taken by law enforcement to prevent the occurrence of criminal acts of persecution. In this countermeasure stage, law enforcers must carry out legal process actions according to procedures if there are violations of the provisions of the applicable laws and regulations. The Gorontalo City Government is also expected to be able to contribute in dealing with the problem of criminal acts whose perpetrators deserve the appropriate punishment, also because considering this severe persecution is very influential in people's lives.

Keywords: Countermeasures; Criminal act; Severe Persecution.

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1. Introduction

In our daily life, even in society, to meet the needs of life there are often crimes and violations committed by certain people and people who threaten some members of the community, which in the science of law are known as criminal acts.¹ Crime is an act that is contrary to the habits or norms that have long lived in society, where in life that society has several norms / rules that regulate its members in detail because crime is very detrimental and must be minimized, but unfortunately that crime is very difficult. Therefore, crime is categorized as a major problem in people's lives.²

One frequent crimes occur environment is case persecution good persecution light nor persecution heavy or even type persecution other . The order of criminal law and criminal law instruments in Indonesia has regulated the formal procedures that must be passed in resolving a criminal case. However, in practice, the formal system is often used as a repressive tool for those who are wrapped in law enforcement attributes. Indeed, all crimes must be punished in accordance with applicable laws and regulations. ³Crime, in a juridical sense, is an act that the State has defined as a crime in criminal law and is threatened with punishment, while in a sociological sense human actions violate general social norms and are considered a harmful virus. ⁴So that society and every other person, including the government must heed it, by making laws on the basis of natural rights themselves. ⁵Also considering that Indonesia is also one of the countries that puts forward the constitution in every aspect of the life of the nation and state.⁶ As said by Prof. Fenty Puluhuawa in his writings also stated that the Government through the law has provided a starting point for the judiciary, which is carried out for the sake of justice based on the One Godhead.⁷

Persecution heavy no cause wound weight , then Thing the categorized as as test in persecution weight (explained in chapter 354). However if persecution normal has planned by systematic permanent categorized as as persecution fallow although no cause serious injury . Consequences on persecution heavy

¹Dian Ekawaty Ismail, Mohamad Taufiq Zulfikar Sarson. (2021). Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes. *Journal of Law Review*. 3(3), 58

²AS Alam and Amir Ilyas . *Criminology Something Introduction* . (Jakarta : Prenadamedia Group, 2018), 29

³Ramdhan Kasim. (2020). Dehumanization in Excessive Application of Criminal Law (overspanning van het strafrecht). *Journal of Law Review*. 2(1), 5

⁴Siti Zulaika Wulandary, Rehnalemken Ginting. (2018). Review of the Criminology of Sexual Violence Against Children in the South Tangerang City area. *Recidive . Journal of Criminal Law and Crime Prevention* . 7.(3), 300

⁵Daffodil, Dolot Alhasni. (2020). Determination of Legal Protection for Neighboring Right Holders. *Journal of Law Review*. 2(1), 67

⁶Fakhris Lutfianto Hapsoro. (2020). Constitutional Interpretation in Constitutional Testing To Realize The Living Constitution. *Journal of Law Review*. 2(2), 145

⁷Fenty Puluhuawa, Lusiana M, Tujow, Sutrisno. (2020). Application of the Principles of Justice, Legal Certainty and Benefit in Judge's Decisions. *Gorontalo Law Review Journal* . 3, (2), 184

normal nor abuse committed _ by planned is element aggravate or no aggravate something crime that . Whereas persecution the weight that causes wound heavy is persecution that has element absolute burdensome . Whereas persecution heavy could result in Dead someone . Deliberately done in persecution heavy considered same with intentional to Dead someone on persecution normal nor persecution planning that results in Dead someone , even though Dead no Becomes desired goal will but if the consequences same , then same the weight . As has been explained paragraph previously that persecution including a opposite crime with living norms in the society . Where governing rules the no only set in only state law , however in life society is also regulated in detail which aims to behave behavior of members Public could orderly and applicable by fair for others . crime is also included enough deed difficult for regulated , therefore crime Becomes main problem in life society .⁸ Following is the data obtained from Gorontalo City Police :

Table 1
Action Data Persecution Heavy Throughout Year 2019-2020

| Year | Case Reported | Cases Solved _ |
|------|----------------------|----------------|
| 2019 | 8 cases persecution | 4 Case solved |
| 2020 | 10 cases persecution | 4 Case solved |

Source : Gorontalo City Police , 2020

Based on the data obtained from Gorontalo City Police Station as researcher describe in table above , where seen very clear that case from 2019 experienced increase until 2020. From incoming reports in 2019 only total of 8 cases persecution , however arrive in 2020 increase Jafi 10 cases were reported which each each at each year only can complete case . So that if total so from 2019 to 2020 only can solve 8 cases out of 18 incoming cases in report . Means still there are 10 cases yag not yet resolved by party judge law that alone .

In handle things persecution heavy clear party police To do in accordance with applicable regulations _ especially seen from elements chapter must linked with tool proof like contained in the Criminal Code 184, in 184 it explain the five tools proof this related there is description witness , letter , statement expert , confession defendant but in the police process that two just tool police evidence _ get the first one description witness, letter evidence that already can our apply somebody as suspect , however the alleged article seen his deed is this enter in element persecution heavy or chapter persecution light and party the police are also in set suspect that To do things that are taken care of directly by sir Invisibility Reskrim and be asked comments by friends party police is article applied this already Fulfill element in accordance with the Criminal Code or no

⁸ Adam Chazawi . *Crime To Body And Life* . (Jakarta: PT RajaGrafindo Persada , 2013), 31

in chapter 184, then seen from description sick this how about the victim how , also the victims who are included victim witness and how description defendant that said so can concluded of course occur persecution the resulting weight wound puncture until treated at home sick . Obstacles faced investigator that related goods proof for example perpetrator who did they throw away goods evidence in the river or in places that are not is known it also makes investigator must look for goods evidence .

2. Method

The type of research used is empirical legal research, according to Mukhti Fajar that empirical research is legal research that will provide a complete understanding of law in the context of norms when applied in a social context.⁹Where to examine the Handling of the Crime of Serious Persecution obtained through interviews and real actions obtained through direct observation. While the sampling used *purposive sampling* and data analysis using a qualitative research approach.

3. Handling the Crime of Serious Persecution

Challenge dynamics incident the law that happened especially in Indonesia, is a the challenge of the country in position as a state of law . Application nor enforcement law , is elements system which law by Keep going continuously for addressed To use realize position law in a useful rule of law for interest society , nation and state.¹⁰ State involvement is also one of the characters of the conflict phenomenon.¹¹ Soerjono Soekanto say that in order for the law that function in society required existence harmony Among four factor , that is first , there systematic synchronization between rules law or regulation good by vertical as well as horizontally so that no contrary one each other; second , implementer enforcement law have clear guidelines _ about citizenship in operate task , at once quality personality officer for implement and obey applicable regulations ; third , degree obedience law Public to law very influence implementation law . Degrees obedience law this depends of the manufacturing process law . Fourth , facilities or means supporter implementation law must adequate by physical .¹²

Furthermore, the form of the legal system also requires people to have a sense of love and affection, mutual respect, mutual respect, mutual help, loyalty,

⁹Mukti Fajar & Yulianto Achmad. *Dualism in Legal Research (Normative and Empirical)* , (Yogyakarta: Pustaka Pelajar, 2010), 153.

¹⁰ Soerjono Soekanto . Introduction Study Law . (Jakarta: UI- Press, 2010) , 11

¹¹Yudha Chandra Arowana. (2019). Mediation Path in the Settlement of Land Disputes as an Impetus for the Fulfillment of Human Rights. *Journal of Law Review*. 1(2), 216

¹²Faisal Santiago . (2017). Enforcement Law Follow Criminal Corruption by Enforcers Law For Creation Order Law . *Pagaruyung Law Journal* . 1 (1) , 23

honesty, and adequate physical and spiritual support, so that the implementation of the legal system can run in accordance with people's lives in general.¹³

Generally act criminal persecution heavy can done by who only the one with on purpose conducted somebody to others for hurt and cause wound the resulting weight disabled permanent to even cause death . This thing as arranged in the Criminal Code, the rules the formulated in Article 354 of the Code Law Criminal Code (KUHP), with details as following :

1. Goods who on purpose hurt other people's weight , punished because To do persecution heavy with criminal imprisonment for a maximum of 8 years ;
2. If deed that result in death , guilty convicted with criminal imprisonment for a maximum of 10 years .

Persecution Becomes a problem that arose in the middle an increasingly day the more increases , so that must required form enforcement more law maximum . Problem enforcement law will always occur along life man that there is more grow and develop man so problem from enforcement law the more all kinds of things happen . Enforcement law no free from role important or role active enforcement law specifically police in complete a incident criminal .

Based on description on persecution heavy conducted like for example in the case persecution the weight that happened in North City at Santi's salon, that is persecution weight carried out by the suspect who is a husband of the victims who are employees of the santi salon located in the northern city , which was originally suspect go to santi salon with intention meet wife from the suspect who at the time that currently lying in the room , Previous suspect To do persecution against the victims, they had time argue the end cause heated atmosphere , after _ it's a forward victim step with intention persuade suspect but suspect has carried away emotional and direct Secrete knife manifold badik tucked in the waist adjacent left , then suspect direct stab and hit in the part nipple on victim 's breasts , then suspect direct follow with direct return knife on part hand adjacent the left that hits tendon pulse from the victim, no only until there persecution heavy Keep going conducted suspect with take the samurai on the waist adjacent left and direct slashed the victim so that about arm adjacent left , then directed return to head part back , persecution stop conducted after the samurai held suspect miss from his hand . After that suspect direct leave the place incident with hurry .¹⁴

In essence persecution heavy is act punishment that can be harmful many people and can threaten order in society so that must Keep going noticed . Cause in the end results from decision judge in charge decide criminal that . Persecution

¹³Dedi Sumanto, Titin Samsudin, Fikri Asnawi Amiruddin. (2021). The Existence Of The Religious Court In Handling Divorce Cases On The Reason Of Domestic Violence. *Journal of Law Review* . 3(2), 228

¹⁴Interview results together Mr. _ Yogi Tamba as investigator at the Criminal Investigation Unit 2 Action Criminal General . May 13 , 2022 , 13.00 o'clock

moment this very bloom occur Thing this because many the factors that cause people to do act criminal persecution for example because influence drink hard , emotional , and factor other . Effectiveness handling case act criminal persecution heavy could seen from how much big efforts made by the parties police , based on results research at the Gorontalo City police station , efforts the law carried out that is effort law prevention and effort repressive . Effort law preventive it means effort the law carried out before act criminal or incident criminal that happens , where is the main that is form prevention for no create act criminal or crime . While the second is enforcement law by Repressive who has definition something enforcement laws that are implemented at the time of act criminal or crime the has done , repressive this have destination To use creation state with method restore state return before act criminal or crime the done .¹⁵ Based on research conducted by researchers , efforts _ repressive and preventive measures carried out by the Gorontalo City Police , namely: such as :

1. countermeasures Law By Preventive

Action preventive is Action prevention so as not occur violation applicable norms _ that is with strive for intentions and opportunities no meet so that situation permanent preserved safe and controlled . Action preventive police will look in form tasks maintenance security Public as well as prevention happening violation law act crime that alone such as :

- a) Counseling Law

Give counseling is one effort prevention by the Gorontalo City Police , counseling enforced law aim for give knowledge will the dangers posed consequence from something act criminal , counseling law this is also done with work Among government center , area even to the government village .

Legal awareness is a factor in legal discovery. Awareness of the law means awareness that the law is the protection of the interests of the community.¹⁶

- b) Patrol

Party police Gorontalo City Police also carried out effort prevention like To do patrol in places that become vulnerable or like the place hangout and place sale alcohol , thing this is what becomes focus main than party police that is strive for eradicate circulation alcohol because according to they alcohol is factor the main driving somebody To do act criminal persecution heavy . so that with effort prevention To do patrol this if could give prevention to countermeasures act criminal persecution heavy .

¹⁵John Lenon Sianipar . (2020). Effort Enforcement Law In Minimize Follow Criminal Permit in Pekanbaru City . *JOM Faculty Journal Law Riau University* . 6 (2), 4

¹⁶Dwi Oktafia Ariyanti, et al. (2020). Criminal Law Enforcement Against Illegal Sand Mining Actors. *Journal of Law Review* . 2(1), 40

c) Bhabinkamtibmas

Bhabinkamtibmas is extension hand Duty from party Polsek and Polres scattered in every city village / village . Existence bhabinkamtibmas this actually is something effort prevention by the the police so that the public could more easy complain and get built from party authorities who have assigned to the area rural / kelurahan , hal this solely naturally for prevent happening something act a crime that is not desired .

2. Countermeasures Law by Effort Repressive

Basically that action repressive is action assertive measurable this is step end from party police in cope act criminal persecution heavy . In action this in general conducted if there is the people who To do complaint to party police , then with Thing it's a legal process will conducted in accordance with procedure applicable law . The procedure to be conducted as described that is such as :

- a) Complaint Public in form report , pg this conducted if someone who is a victim and feels harmed so that report to the authorities step this done .
- b) Party police will To do investigation for gather evidence
- c) To do arrest , after is known who be perpetrator persecution next investigator To do arrest .
- d) After setting suspect and get tool proof then case will next with give file case to party prosecutor prosecutor general .

Description on could give understanding to our that enforcement the law carried out by the parties police just aim for protect interest society in general . If back to study previously that according to writer that action enforcement law from party police not yet maximum implemented with good in environment society . This thing because many obstacles faced _ when investigator gather tool evidence . The difficulty determine tool proof this naturally very influence the process of enforcement law that alone . Not effective enforcement law this naturally very influenced by factors Becomes blocker from solution case act criminal persecution weight , thing this could seen from percentage which case is still there is just case not yet done or still arrears , then with that according to writer effectiveness enforcement the law carried out not yet appropriate , because effective something form enforcement law seen from how much many cases that can resolved . So that when this does not cause problems and if the policy is not in accordance with the behavior patterns of the community, then the government must resolve a problem with the community itself.¹⁷

¹⁷Fitriyadi, Ahmad Adi. (2020). Differentiation of refugees and asylum seekers in international refugee law and its relationship to the principle of non-refoulement. *Journal of Law Review* . 2(2), 127

Furthermore, an important point in the preparation of every policy issued by the Government comes solely from the wishes of the people.¹⁸The reason is that government policies as outlined in laws and regulations are always followed by criminal sanctions.¹⁹What is more important is that currently law enforcement has become one of the most efficient steps in doing business.²⁰As stated by Prof. Fenty Puluhuawa in his writings that the Government through the law has provided a starting point for the judiciary, which is carried out for the sake of justice based on the One Godhead. The independence of each law enforcer will work optimally in their respective work environments, but along the way, various problems are often found that affect the smooth running of the judicial process.²¹ 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.²²Quoting as stated by Suwitno Yutye Imran that Justice serves as a guideline to distinguish between fair and unfair actions, elements of the aspect of justice can be contained in the substance.²³

So indirectly the perpetrators must and must be processed legally.²⁴ Besides that role from party police for To do various type countermeasures for action criminal no occur again just for protect interest community that alone . More to the point for could protect right basic human . Legal protection is very necessary because of the effort to integrate various needs in the association so that there is no conflict between parties needs and can enjoy all the rights granted by law.²⁵ In addition, the right to life must also be protected by the state, especially the rule of law, especially when it relates to criminal acts that have basically damaged the order of human rights in general.²⁶The 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 that it is the law that formalizes human rights into a set of rules to maintain and protect so that they do not become

¹⁸ Nurdin, Putri Handayani. (2019). Political Law Regulation of Political Education by Political Parties. *Journal of Law Review* . 1(2), 146

¹⁹Hwian Christiano, Michelle Kristina. (2022). Fulfilling the Right of Education during Covid-19 Pandemic Period: A Comparative Study. *Journal of Law Review*. 4(1), 1

²⁰Mohamad Rivaldi Moha. (2020). The Urgency of Registration of Electronic System Operators for E-Commerce Businesses. *Journal of Law Review* . 2(2), 115

²¹Iriyanto Tiranda, Fenty Puluhaulawa, Johan Jasin. (2019). The Ideal Concept of Handling Cases of Criminal Acts of Illegal Charges Corruption Based on the Principles of Justice. *Journal of Law Review*. 1(2), 132

²²Fence M. Wantu. (2013). Judge Constraints In Creating Legal Certainty, Justice, And Benefits In Civil Court . *Journal of the Pulpit of Law* , 25 (2), 206

²³Suwitno Y. Imran. (2021). The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments. *Journal of Law Review*. 3(2), 398

²⁴Fence M. Wantu. Criminal Procedure Law. (Yogyakarta: Reviva Cendekia, 2011), 13

²⁵Jufryanto Puluhaulawa, Mellisa Towadi, and Vifi Swarianata. (2020). Leato / Japanese Cargo Wreck Underwater Site Legal Protection. *Journal of Legal Reform* , 24(2), 197

²⁶Lisnawaty Badu. (2012). Euthanasia and Human Rights. *Legality Journal* . 5(1), 1

conflicts in society. social and state life. ²⁷Indonesia is the highest agreement of the state-formers, even though it has experienced a constitutional test when the 1945 Constitution was changed to the Constitution of the Republic of the United States of Indonesia in 1949, even though the recognition of regions under the auspices of the Indonesian State is still recognized. ²⁸Therefore, law enforcement, especially all *stakeholders* , must act decisively and seriously in dealing with crime to ensure social welfare for the community.²⁹

4. Conclusion

Non-criminal mistreatment is carried out in two stages, namely preventive countermeasures and repressive countermeasures. As for preventive countermeasures, there are several things that are done by law enforcers in order to prevent the occurrence of criminal acts of persecution, especially the type of severe abuse, including those carried out in this preventive stage such as legal counseling, patrols in certain areas and conducting bhabinkamtibmas. Meanwhile, in the repressive countermeasures stage, it is certainly the final action taken by law enforcement to prevent the occurrence of criminal acts of persecution. In this countermeasure stage, law enforcers must take legal action if there is a violation of the provisions of the applicable laws and regulations.

The Gorontalo City Government is also expected to be able to contribute in dealing with the problem of criminal acts whose perpetrators deserve the appropriate punishment, also because considering this severe persecution is very influential in people's lives. Furthermore, there is cooperation with the community in order to make it easier for law enforcement agencies to prevent any criminal acts that occur in the surrounding community, in order to also provide a sense of security and peace for the community.

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²⁸Novendri M. Nggilu. (2020). Juridical Review of Criminal Sanction Arrangements in Gorontalo Provincial Regulations. *Lambung Mangkurat Law Journal* . 5(2), 110

²⁹Ariefulloh, Abd Asis, Maskun. (2019). The Dilemma of the Implementation of Traffic Violation Sanctions Against Children. *Journal of Law Review*. 1(2), 198

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