



## Causes and Efforts to Counter a Crime

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**Abstract:** This study aims to determine the causes and countermeasures against a crime. The method used in this study, namely the research methodology used, is empirical research and uses a descriptive qualitative approach and qualitative analysis techniques. The results of this study show that the causes and efforts to overcome a crime there are several causes of the crime that occurs due to the talent of the perpetrator, the environment, the spiritual, and the economy. Crimes range from mild to the most serious forms such as severe mistreatment that cause severe injuries to their victims so that physical and non-physical problems arise. But it is also necessary to realize that, the person who committed the crime is a person like us. Crimes or criminal acts must be dealt with because they create discomfort and insecurity in people's lives, so they can do rational ways of dealing with them. Meanwhile, efforts made to tackle the crime include penal efforts and repressive efforts.

**Keywords:** Cause; Coping; Crime.

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## 1. Introduction

The 1945 Constitution became the Constitution of the United States of Indonesia in 1949, however, the recognition of areas under the auspices of the Republic of Indonesia is still recognized.<sup>1</sup> The 1945 Constitution as the Indonesian constitution is the result of the long contemplation experienced by the Indonesian people in seeking, multiplying, and exploring constitutional thinking that is suitable and appropriate to be applied in this country.<sup>2</sup> Therefore, in legal politics, an invention of law and the creation of new laws under the objectives of the State is a value that must be implemented to achieve supermajority and legal justice.<sup>3</sup> The Unitary State of the Republic of Indonesia is one of the major countries that strongly prioritizes applicable legal provisions. The rule of law in force in Indonesia is an important component in building a safe, peaceful and peaceful life. One of the fields of law to maintain the order and security of Indonesian citizens is criminal law. Criminal law in Indonesia is one of the most important guidelines for realizing justice. The Criminal Code (KUHP) is a solid basis for determining prohibited acts and has strict sanctions for those who violate them. General provisions, crimes up to offenses become three important parts contained in the Criminal Code.<sup>4</sup> The existence of existing regulatory regulations provides equal rights for every citizen.<sup>5</sup>

Based on Article 1 paragraph (3) of the 1945 Constitution states that the Indonesian state is a state of law (*rechtsstaat*).<sup>6</sup> A legal state is a country governed by law, all actions of the government and its citizens must be based on applicable law, because the law is used as a guideline to regulate the life of society, nation, and state in all aspects of life.<sup>7</sup> We cannot possibly meet legal norms, without thinking deeply about the real events in society, which are to be governed by those legal norms.<sup>8</sup> The benefits are so as not to become clashes in social and state

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<sup>1</sup> Novendri M. Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *Lambung Mangkurat Law Journal*. 5, No. 2 (2020): 109-121., 110

<sup>2</sup> Lisnawaty W. Badu And Ahmad. "Purifikasi Pemberian Amnesti Dan Abolisi: Suatu Ikhtiar Penyempurnaan Undang Undang Dasar 1945." *Jurnal Ius Civile*. 5 No. 2 (2021): 93-111., 104

<sup>3</sup> Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review*. 1, No. 1 (2019): 68-93., 73

<sup>4</sup> Fajar Padly, "Tinjauan Yuridis Tentang Penerapan Hukuman Terhadap Pelaku Tindak Pidana Penganiayaan Yang Menyebabkan Luka Berat" 1, No. 2 (2018): 380-388., 381

<sup>5</sup> Abdul Hamid Tome, "Dynamics of Village Head Election Arrangements." *Jambura Law Review*. 3, No. Spesial Issue (2021): 96-116., 101

<sup>6</sup> Zahermann Armandz Muabezi, "Negara Berdasarkan Hukum ( Rechtsstaats ) Bukan Kekuasaan (Machtsstaat) Rule Of Law And Not Power State." *Jurnal Hukum Dan Peradilan*. 6, No. 3 (2017): 421-446., 423

<sup>7</sup> N. Wardaningsih, *Hukum Dan Peradilan*. (Semarang: Alprin, 2019)., 3

<sup>8</sup> Hariyanto, "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila," *Jurnal Volksgeist*. 1, No. 1 (2018): 53-63., 53

life.<sup>9</sup> Everyone including the government must heed it, by making laws based on natural rights themselves.<sup>10</sup> Policies are very important to take, as they can be a strong legal umbrella for local governments to protect.<sup>11</sup> As Fenty Puluhawa said in his writings also that the government is the holder of power and as a policy maker through regulations, what must be prioritized is to do it for the sake of justice.<sup>12</sup> Quoting as said by Suwitno Yutye Imran Justice serves as a guideline to distinguish between just and unjust acts the elements of the aspect of justice can be contained in the substance.<sup>13</sup>

The increasing number of crimes in society causes a lot of crimes, and one of the things that often occurs and is experienced by the community itself is violent crimes or persecution. Violent crime or persecution is a problem that always arises in society. The problem arises and develops with its consequences for both the perpetrator and especially the victim who may get physical suffering or prolonged mental suffering.<sup>14</sup> The state is firmly obliged to strive to fulfill the rights of every citizen.<sup>15</sup> Humans have different personalities from others, both traits, characters, differences in goals and views on life, and so on. These differences can sometimes affect the interaction process and can trigger conflicts either motivated by different interests and then cause reactions either subtly in the form of conflicts of ideas or roughly in the form of violence.<sup>16</sup>

Unconsciousness of trivial behavior that does not comply with law enforcement rules can result in harm suffered by others, such as excessive joking or fighting, to cause others injuries or bruises. A person who is beaten to the point of shuffling, then the act is classified as persecution. Etymologically persecution

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<sup>9</sup> Lusiana Tijow, "Perlindungan Hak Asasi Manusia Terhadap Hak Hidup Anak Dalam Kandungan Di Luar Perkawinan Yang Sah," *Jurnal Legalitas*. 3, No. 2 (2003): 79-90., 80.

<sup>10</sup> Dolot Alhasni, "Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right " Determination of The Legal Protection of Right-Holders To," *Jambura Law Review*. 2, No. 01 (2020): 65-82., 67

<sup>11</sup> Novendri Mohamad Nggilu, Lisnawaty Wadju Badu, and Suwitno Yutye Imran, "Legal Protection Bonda And Bulango Language : In Reality And Prospect." *Jambura Law Review*. 3, No. 1 (2020): 19-36., 32

<sup>12</sup> Sutrisno, Puluhulawa Fenty, and Lusiana Margaereth Tijow, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review*. 3, No. 2 (2020): 168-187, 184

<sup>13</sup> Suwitno Yutye Imran, "The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments." *Jambura Law Review*. 3, No. 2 (2021): 395-410., 398

<sup>14</sup> Teguh Syuhada Lubis, "Penyidikan Tindak Pidana Penganiayaan Berat Terhadap Anak Mhd." 3, No. 1 (2017): 133-147., 134

<sup>15</sup> Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375

<sup>16</sup> Munajat. Kartono, "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Penganiayaan Yang Mengakibatkan Luka Berat (Analisis Putusan Perkara No: 10/Pid. B/2018/Pn Rkb).," *Jurnal Ilmu Hukum* 2, No. 2 (2020): 654-672., 656

comes from the word "persecution" which gives the meaning of violent acts such as torture, oppression, and so on. Hilman Handikusuma defines persecution as a violent act of oppression. Meanwhile, what is meant by persecution is arbitrary treatment with torture, oppression, and so on against persecuted.<sup>17</sup>

One of the causes of crime, especially severe persecution, can be influenced by the excessive use of technology. The point is that technology can show various kinds of crimes through film films that are shown on television or android media. Driven by this if people can't control their emotions, then whatever will be Tonton will become imitation material for him. The development of digitalization of information and communication technology in the form of social media exposes the public to a new reality, namely the mortal world that is visible from the screen of devices/gadgets but synchronized with real-world life.<sup>18</sup>

One of the cases of persecution that resulted in serious injuries occurred in Gorontalo, precisely on Jl. Raja Eyato, Molosifat U Village, West City District. A case of mistreatment resulted in one victim who had been molested by two suspects. There was one machete blade that the suspect used to carry out his act of molesting the victim, causing the victim's right arm to almost break. When the victim and his wife and child left the house around 3:00 p.m. They rode a motorcycle from Tabongo, Gorontalo Regency to Gorontalo City for treatment. When he arrived at Raja Eyato street, precisely in Molosifat U Village, West City District, the victim stopped for a while to remove the raincoat he was wearing. When the victim was about to remove the raincoat, suddenly two unknown people on the motorbike attacked the victim with a machete, as a result of which the victim's right arm was almost severed. Then the victim was rushed to Otanaha hospital for treatment before being referred to Aloe Saboe hospital.<sup>19</sup> The following is data on cases of serious abuse/stabbing that occurred in the jurisdiction of the Gorontalo City Police in 2018-2021 as explained in table 1 below.

**Table 1.**

**Data on Cases of Serious Abuse Crimes in Gorontalo City Police**

No.	Year	Number of Cases
1.	2018	19

<sup>17</sup> Hiro R. R. Tompodung, "Kajian Yuridis Tindak Pidana Penganiayaan Yang Mengakibatkan Kematian," *Jurnal Lex Crimen X*, No. 4 (2021): 65-73., 65

<sup>18</sup> Moh. Rusdiyanto U. Puluhulawa dan Riski Husain, "Body Shaming through Social Media as a Digital Crime in the Era of Disruption." *Jambura Law Review*. 3, No. 01 (2021): 112-123., 117

<sup>19</sup> Faisal Husuna., "Sebelum Dibacok, Jefri Rumampuk Ternyata Sempat Dapat Ancaman Penikaman.," accessed December 18, 2021, Dulohupa.id.

2.	2019	12
3.	2020	14
4.	2021	3
<b>Total</b>		<b>48</b>

*Source: CID of Gorontalo City Police, 2022*

Based on table 1 above, it is clear that the crime of severe abuse in the jurisdiction of the Gorontalo city police from year to year has decreased but is not significant and is still in the high category. Therefore, according to the author, law enforcement must aim to realize order and legal certainty in a society that is intrinsic to justice. Unwitting legal certainty in the joints of justice will cause discontent and invite a lot of mixed reactions from the public. The development of this day and age not only has a great influence on the Indonesian state but also has an impact on the development of society, behavior, and cultural shifts. This problem causes a higher number of crimes and rampant violations and criminal acts that occur both in society and in the family environment.

## **2. Method**

The type of research used is sociological juridical, which is a type of research based on norms or laws and regulations examining the process of working or interacting with the law in society. This study uses a descriptive research approach and qualitative data analysis techniques.

## **3. Causes and Efforts to Counter a Crime**

### **3.1 Causes of a Crime to Occur**

It is generally that according to the author that the criminal act of persecution does not always directly occur, but some factors can lead to the occurrence of the criminal act of persecution. This crime of persecution belongs to the type of criminal crime. The factors behind the perpetrators of crimes who commit criminal acts of persecution can be fully known when studied in criminology, the science that studies criminal offenders. The criminal act of persecution committed by these people is a criminal act that is very troubling to society. This persecution also caused many victims to be seriously injured, and the community is worried that criminal acts of persecution that cause serious injuries will continue to occur. Various cases of criminal acts of severe abuse that occurred in the legal area of the Gorontalo City Resort Police, occurred due to the underlying factors. Several factors cause the crime of severe persecution to occur, namely :<sup>20</sup>

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<sup>20</sup> "The results of the interview with Noval Dama as the CID of the Gorontalo City Police. December 6, 2022"

Based on the results of the author's interview with the police, in this case, Noval Dama as the CID of the Gorontalo City Police, it is said that the internal factors that exist in the perpetrator such as:

a. The talent of the perpetrator

Evil arises because of biological factors meaning that evil exists because it is already a person's talent. Cesare Lombroso argues that human beings are born with certain talents. If a person's talent is evil, at any time he can tend to be evil, because evil talent has existed since birth. This is as mentioned in Lombroso's theory, which is the born criminal theory. The theory of a born criminal is an evil talent that exists from birth. Lombroso's theory of criminal births states that criminals are a lower form of life than those who are not criminals, crime is due to the talent factor that exists in the perpetrator.<sup>21</sup> Based on a statement from Kanit Pidum Sat Rerskrim of the Gorontalo City Police:<sup>22</sup>

"A person if he already has a certain talent, then he will rely on it when his mind is no longer controllable, not to mention if that person is used to doing it."

b. Environmental

In this factor, it can be seen from the closest environment such as the family environment, natural or physical environment, and communication environment such as gadgets. So in that case, it shows that in choosing friends, you must pay attention to a person's nature, behavior and personality. A bad environment and bad friendships will result in very detrimental things, one of which is the crime of persecution. Crime is not an anthropological thing, but it is as sociological as other societal events dominated by imitative desires. Enrico Ferri in his book *Sociology Criminelle* formulates:<sup>23</sup>

- a. Every crime is the resultant of individual, physical, and social circumstances.
- b. Social circumstances give shape to evil but are derived from its biological talents in the social sense (organic and psychic).

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<sup>21</sup> I Gusti Ngurah Darwata, *Bahan Ajar Terminologi Kriminologi* (Denpasar: : Fakultas Hukum Universitas Udayana Denpasar, 2017)., 10

<sup>22</sup> "The results of the interview with Junaidi Bagi as the General Criminal Officer of the Gorontalo City Police Civic Center . December 9, 2022"

<sup>23</sup> Joel P Fredo And Tambunan Ilmu, "Police Efforts In Overcoming The Theft With Violence In South Nias District," *Jurnal Prointegrità* 3, No. 3 (2019): 384-395., 391

Based on the explanation above, penulis argues that environmental factors can influence the occurrence of crimes, especially severe persecution. Because based on the theory from Sutherland criminal behavior is studied in the relationship of interaction with others through a process of communication, and also Gabriel Tarde, states that crimes committed by a person are the result of imitation of crimes that exist in society. This shows that environmental factors are very influential, a bad environment will be very influential and will also cause very detrimental things.

#### c. Spiritual

The size of one's spiritual level can be seen in someone practicing religious teachings, someone inviting others to worship and someone always being mutually intimidating towards each other. When referring to the opinion of Jalaluddin Rakhmat in his writings that exists generally, the spiritual dimension is interpreted as a means of establishing a close relationship with the creator.<sup>24</sup> The spiritual factor can be seen in a person's non-religion or one's lack of religious knowledge towards things in the form of evil. In the development of this era, society is not followed by improvements and improvements in worship and moral values. Society is more concerned with the mundane life than the afterlife. People are used to abandoning worship, even though worship can prevent humans from committing crimes. Based on what the CID says:<sup>25</sup>

"It could be that one of the factors causing his knowledge of religious science, we see now that there are many people out there who are very regretful about religious science. Regretting in the sense of hurt hura and some even committing criminal acts"

Supporting the above statement, a person who is far from his god is permanent and will do evil. Because they are far away and do not worship their god, and also they are more concerned with the earthly life than the afterlife.

#### d. Economics

In January 2018 Gorontalo City experienced an increase in the Consumer Price Index (CPI) from 127.07 to 127.93; This change led to inflation of 0.68 percent. Inflation in Gorontalo City occurred due to an

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<sup>24</sup> Jalaluddin Rakhmat, *Psikologi Agama*, (Jakarta: Rajawali Pers, 2012),. 331

<sup>25</sup> "The results of the interview with Noval Dama as the CID of the Gorontalo City Police. December 6, 2022."

increase in the index in six expenditure groups and one expenditure group experienced a decrease in the index. The expenditure groups that experienced an increase in the index were the foodstuffs group by 2.20 percent, the ready-made food, beverage, cigarette, and tobacco group by 0.27 percent, the housing, water, electricity, gas, and fuel group by 0.27 percent, the clothing group by 0.05 percent in the health group by 0.02 percent, and the education, recreation, and sports group by 0.63 percent. The group that experienced a decline in the index was the transport, communication, and financial services group by -0.09 percent.<sup>26</sup>

According to the author bahwa Inflation itself can be interpreted as an increase in the price of goods and services in general and continuously over a certain period. The overall impact of inflation certainly cannot be taken lightly. High inflation can cause people's real incomes to continue to be eroded because the price of goods is getting more expensive, so their standard of living will also fall. This situation will make people who are already classified as poor, become poorer.

Based on what the CID of the Gorontalo Kota Police said in the interview:

"Crimes can be committed, one of which is due to financial factors. Because economic factors make it one of the criminogenic (causes of criminal acts) because economic factors are related to the situation of the perpetrator in his daily life."

According to the author crimes that are often committed in general can be influenced by economic factors, whereas in the modern era like today, society tends to justify all means to fulfill material desires as much as possible. The existence of unemployment and urbanization can also be factors supporting the occurrence of crime.

Based on the results of the researcher's interview with Kanit Pidum Sat Rerskrim of the Gorontalo City Police, said that:

"The factor of a person committing a criminal offense of gross maltreatment is mostly and largely encountered, usually occurring due to the influence of liquor. said liquor (miras) was the cause of the high number of cases of abuse in the jurisdiction of the Gorontalo City Police. Although it has carried out various

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<sup>26</sup> BPS Provinsi Gorontalo., "Januari 2018 Kota Gorontalo Inflasi Sebesar 0,68%" accessed December 13, 2021, [gorontalo.bps.go.id/](http://gorontalo.bps.go.id/).



operations to destroy factories and manufacturing sites, especially the type of "captikus" and so on, but it is not enough without the support of public awareness."

According to penulis crime is a disease that concerns many people. Crimes range from mild to the most serious forms such as severe mistreatment that cause severe injuries to their victims so that physical and non-physical problems arise. But it is also necessary to realize that, the person who committed the crime is a person like us. Crimes or criminal acts must be dealt with because they create discomfort and uncertainty in people's lives, so it is necessary to carry out rational ways in overcoming them. This can take the form of legal protection even if he is a criminal offender. Because anyone who faces the law, according to the author, the hope is to be able to get a sense of justice and legal certainty for what has been done.

### 3.2 Efforts to Tackle Crime

One of the duties of the Indonesian National Police is to carry out arrangements, guards, escorts, and patrols of community and Government activities as needed. And the task proves that a policeman is in charge of maintaining security and order in the community, one of which is from crime. The problem of tackling crime in society is certainly inseparable from the context of the conversation about penal policy. The penal *policy* can be interpreted as a rational effort to overcome crime using the means of criminal law. The relationship between penal policy and criminal policy is an effort to overcome crime in society by using criminal law (*penal*). Thus, the *penal policy* is one part of the efforts to overcome crime as referred to in criminal *policy*.<sup>27</sup>

According to Aipda Junaidi Bagu, the *penal policy* is a rational effort by the police to tackle crime. According to him, the police's efforts in tackling the crime of severe persecution reviewed from the criminal law policy (*penal policy*) can be pursued through means, namely :<sup>28</sup>

#### 1. Upaya Penal

Penal efforts are the prevention of crime with a criminal law that focuses on efforts that are repressive in nature (suppression/deprivation/crackdown). Efforts to overcome through the penal route can also be referred to as efforts made through criminal law channels. This effort aims to crack down on a criminal according to his

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<sup>27</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana* (Bandung: Citra Aditya Bhakti, 1996), 29

<sup>28</sup> "Hasil Wawancara Bersama Junaidi Bagi Selaku Kanit Pidana Umum Sat Reskrim Polres Gorontalo Kota. 9 Desember 2022"

actions, as well as correct or resuscitate that the actions he committed were unlawful and detrimental to society. In the hope that the evildoer will not repeat his actions and others will also not commit such actions considering the sanctions he will receive are very severe. As stated by the CID that penal efforts in Gorontalo are generally the final step to getting justice. According to the author, justice is not only given to the victim but the defendant is also entitled to justice as it must be under what has been done.

## 2. Represif efforts

According to Kanit Pidum, the Civic Director of the Gorontalo City Police, in addition to penal efforts, the next effort that can be done is repressive efforts. That is an effort to overcome crime that is taken after the occurrence of a crime. This effort is in the form of providing criminal sanctions against perpetrators of crimes, which in this case can be carried out by law enforcement officials under the Criminal Procedure Code (KUHAP). In addition to eradicating crimes that occur in the community, this effort is also applied to criminals, thus making the community safe.

According to the author, the use of criminal law in tackling crime is still very necessary at this time, considering that criminal law in addition to having a repressive side also has a preventive side to prevent people who obey the law from participating in committing or will think twice if they want to commit crimes. In addition, to prevent preventive, the Gorontalo City Police police patrol with the KRYD program (enhanced routine activities), then also assisted by the role of bhabinkamtibmas who do not stop socializing and counseling is one of the police's ways to carry out prevention.

"Penal policy is essentially also a criminal law enforcement policy. Criminal law enforcement policy is a series of processes consisting of three policy stages. First, the formulation policy stage or legislative policy stage, which is the stage of drafting/formulating criminal law. The second stage, is the judicial/applicative policy stage, which is the stage of applying criminal law. The third stage, the administrative/executive policy stage, is the implementation/execution stage of criminal law."<sup>29</sup>

Based on the interview above, the author argues that in tackling the crime of severe persecution, it depends on the interrogation of the complainant. What is the basis for the deed done and what caused it. By conducting investigations and

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<sup>29</sup> "The results of the interview with Junaidi Bagi as the General Criminal Officer of the Gorontalo City Police Civic Center. December 9, 2022."

investigations, the results of which will be handed over to the public prosecutor for prosecution in court. From some of the things above, efforts in tackling the crime of severe persecution are an effort to realize a good criminal law under the situation and conditions at a time and in the future that will data in order to overcome the crime of this crime of severe persecution.

#### **4. Conclusion**

Causes and Efforts to Overcome a Crime there are several causes of the crime that occurs due to the talent of the perpetrator, the environment, the spiritual and the economy. Crimes ranging from mild to the most serious forms such as severe mistreatment that cause severe injuries to their victims so that physical and non-physical problems arise. But it is also necessary to realize that, the person who committed the crime is a person like us. Crimes or criminal acts must be dealt with because they create discomfort and insecurity to people's lives, so they can do rational ways of dealing with them. Meanwhile, efforts made to tackle the crime include penal efforts and repressive efforts.

Police officers are expected to be more active in conducting night patrols and socializing the public about the crime of persecution. So that the public is more clearly aware of the causes and consequences of the crime of severe persecution.

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