

**RESEARCH ARTICLE**

# THEFT WITH VIOLENCE IN CRIMINOLOGY ASPECT: HOW PEOPLE DEALING WITH LAW?

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## CITED AS

Muhajirin, A., & Ismail, A.G. (2020). Theft with Violence in Criminology Aspect: How People Dealing with Law?. *Journal of Law and Legal Reform*, 1(3), 381-394. DOI: <https://doi.org/10.15294/jllr.v1i3.35462>

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## ABSTRACT

Theft is a crime that can harm others. One of them is the crime of theft with violence and weighting. The theft with violence and weighting is theft carried out accompanied by violence against the victim and taking the victim's belongings (Jabar, Bjorkman, & Matzopoulos, 2019). Usually this theft is carried out by two or more people. Violent theft is usually carried out through robbery, robbery, mugging, robbery and piracy. Meanwhile, if accompanied by ballast, the perpetrators also take a motorcycle that is in a place that is the target of the theft took place. Then all communities should be able to work together with the police to eradicate criminal acts of theft within the community. So that these crimes can be prevented and reduced (Naanen, 2019). This study aims to determine the factors that cause the emergence of violent theft with violence in the Demak Police jurisdiction and the coping process carried out by the Demak Police in overcoming theft crimes with violence in the Demak region.

Keyword: *Theft; Violence; Criminology; Law Enforcement*

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## INTRODUCTION

Today we often hear and see crimes committed by a person or a particular group. Various kinds of certain ways or motives used by the perpetrators against victims of crime even some of them victims who suffer physically and psychologically (de Ribera, Trajtenberg, Shenderovich, & Murray, 2019). Forms of violence that are both collective and individual in nature, such as assault and battery attacks, homicide, and theft with violence and finally individual acts, such as suicide (Lamintang, 2009).

A criminal act of theft that is regulated in Article 365 of the Criminal Code is also a theft with qualifications or is a theft with incriminating elements (Chin & Cunningham, 2019; Tyas & Rodiyah, 2020). Thus, what is regulated in Article 365 of the Criminal Code is actually only one crime, and not two crimes consisting of crimes of theft and crimes of the use of violence against people, from crimes of theft with crimes of the use of violence against people (Simons, 2005: 106). Basically, there are a number of things that cause a person to commit an act of theft (looting) which is very detrimental to someone and causes panic and causes misery of others namely:

1. Internal Factors
  - a. Intelligence Factor

Intelligence is a person's level of intelligence for or ability to weigh and make decisions. Where in a person's intelligence factor can influence his behavior, for example, if someone who has high intelligence or intelligence, then he will always first consider the advantages and disadvantages or good or bad done in every action. And if someone who is affected by committing a crime, he is the

perpetrator and if he commits the crime alone he will be able to do it himself, so that by seeing him people will doubt whether he actually committed the crime (Bonger, 1977: 61).

b. Age Factor

Age or age can also affect the ability to think and do the ability to act, the more age or age of a person, the more maturity of thinking increases to be able to distinguish between good and bad deeds (Bonger, 1977: 63).

c. Gender Factor

That from the birth of a person has a different level of Sex Graduality and some even have offspring. According to Sigmund Freud, that humans live in the Libido of Sexuality. If someone is not able to control himself then there will be sexual offense. As P. Luke said that evil nature is inherently present in humans from birth and this is obtained in offspring (Bonger, 1977: 70).

d. Factors of Urgent Economic Needs

In this phase it is very influential on someone or the perpetrators of theft, where at the time of the theft every person must need food and other living needs that must be met, then it encourages someone to commit theft. Even if only to expect from government assistance and from the help of other communities it will definitely arrive for them long. So, with that situation they take actions that are no longer suitable for the public interest because in this problem there are some people who feel disadvantaged (Bonger, 1977: 73).

2. External Factors

a. Education Factors

Education in the broadest sense is included in formal and non-formal education (courses). The education factor really determines the development of one's soul and personality, with a lack of education it influences one's behavior and personality, so that it can lead to actions that are contrary to the norms and rules of applicable law (AbiNader, Salas-Wright, Vaughn, Oh, & Jackson, 2019). If someone has never tasted the name of school, then the development of one's soul and way of thinking of that person will be difficult to develop, so that with retardation in thinking he will do an action that he thinks is good but not necessarily for others is good (Bermudez et al., 2019).

b. Social Factors

In principle, a certain association creates or produces certain norms contained in society. The influence of relationships for someone inside and outside the home environment is very different, very far from the scope of the association. Regarding the different associations conducted by someone can be attached and as a motivation for someone (Boduszek et al., 2019; Millennia, Anan, Lestari, Arifin, & Hidayat, 2020).

c. Environmental Factor

Environmental factors are all objects and materials that affect human life such as physical health and spiritual health, physical and mental tranquility (Cantos, Kosson, Goldstein, & O'Leary, 2019). The social environment is in the form of a household, school and outside environment everyday, a social environment and a community environment. A household is the smallest environmental group but its

influence on the soul and behavior of the child. Because the initial education can be from this environment (Borges, Lown, Orozco, & Cherpitel, 2019).

Speaking of crime prevention problems, this will relate to police duties. In Article 13 of Law No. 2 of 2002 concerning the Republic of Indonesia National Police mentioned the main tasks of the Republic of Indonesia National Police namely (Britt, Patton, Remaker, Prell, & Vitacco, 2019):

1. Maintaining public order and safety,
2. Uphold the law, and
3. Provide protection, protection and service to the community.

The role as a protector and protector of the community is manifested in the security activities of each community's activities, both those that have been regulated in the provisions of the legislation (the legality principle) or those that have not been regulated by legislation (the principle of opportunism contained in police law) (Carolina Maria Motta Stoffel et al., 2019). To carry out this role the Indonesian National Police is complemented with the capabilities of community policing, community rescue and community security (Mulyana, 1983: 49).

In addition, the police have special authority to conduct investigations. From the description above, it is clear that the police have a central role in preventing and overcoming a crime through law enforcement efforts (Chan & Shehtman, 2019). Thus the workings of the police in the community always on one party depart from the system of criminal law and criminal procedure rules that apply, while on the other hand carry out law enforcement in the form of official social reactions to crime (Fischer, Halibozek, & Walters, 2019; Juliana & Arifin, 2019).

In this connection, understanding and evaluating the workings of the police are basically related to three main aspects, as stated by Mulyana (1983). namely:

1. The nature and extent of crime in the community, both reported and recorded and reported by the police or known through mass media or other means.
2. The environment in which the police operate, including public attitudes and views about the degree of seriousness of crime and the image of the police and community resources.
3. Internal factors in the police which include, among others, organizational structure, management and administration, allocation and distribution of data collection, information and communication systems, continuity of field operations by the police (such as patrols, investigation oversight and others).

## METHOD

The method used for this research is empirical legal research with qualitative approach (Arifin, Waspiah, & Latifiani, 2019). The method as explained as follows:

1. Research Objects
  - a. Factors that cause violent crime theft in the Demak Police jurisdiction
  - b. The coping process is carried out by Demak Police Station in overcoming the crime of theft by force

2. Research Subjects
  - a. Demak Police Station with officers related to the research
  - b. Suspect of criminal theft with violence
  - c. Victims of the crime of theft with violence.
3. Research Data Sources
  - a. Primary data is data obtained through direct interviews of research subjects about the factors that cause the occurrence of crime of theft with violence in the Demak Police jurisdiction.
  - b. Secondary data is data obtained from legislation, literature, magazines, newspapers, dictionaries, encyclopedias, and scientific papers relating to research material.
4. Data Collection Methods
  - a. Interview, namely two-way communication between researchers and respondents to obtain primary data more quickly and obtain confidence that the interpretation provided by respondents is correct. The interview was conducted by making a list of questions in a systematic and orderly manner as prepared (Jeffries, Chuenurah, Rao, & Park, 2019).
  - b. Literature study, which is a data collection method used to obtain secondary data by exploring written sources, both from related institutions, as well as literature books that have relevance to the research problem used as research completeness.
5. Approach Method
  - a. The method used is a normative juridical method that is a legal research method that looks at the provisions of the applicable law.
  - b. The method of approach used is sociological juridical, which is a legal research method that deals with problems with applicable law applied by law enforcement officers.
  - c. The method used is criminological approach, which is a legal research method that explains the principles of criminology in order to know the factors that cause theft by violence (Jolliffe et al., 2019).
6. Data analysis
 

Analysis of the data used in this research is descriptive qualitative, which explains and explains clearly about the problem under study.

## THEFT IN CRIMINAL LAW: LIMITATION AND DEFINITION IN BROADER CONTEXT

### I. DEFINITION OF CRIME OF THEFT

This criminal act of theft by Article 362 of the Criminal Code is formulated as follows: taking goods, in whole or in part belonging to another person, with the aim of

possessing them illegally. The first element of the crime of theft is the act of taking goods. The word takes in a narrow sense limited to moving the hands and fingers, holding the object, and diverting it to another place (Wirjono, 2003: 12).

It should be noted that both the Law and the legislators apparently never provided an explanation of what was meant by the act of taking, whereas according to the daily understanding the word take itself has more than one meaning (Tasci & Sönmez, 2019), respectively namely:

1. According to Mr. Block, "take" is a behavior that makes an object in its real authority, or under its authority or in its detention, regardless of its intention about what it wants with the object (Lamintang, 2009: 13).
2. According to Noyon and Langemaijer. Taking (in the sense of Article 362 of the Criminal Code) is always a unilateral action to make an object in its control (Klasios, 2019).
3. According to Simons, Taking is to bring an object to be in its authority or bring the object absolutely under its real authority, in other words, when the perpetrator does his actions, the object must not be in his control. (Wirjono,2003;14)
4. According to Van Bemmelen and Van Hattum, Taking is any action that makes a portion of the assets of another person in his control without assistance or permission of the other person, or to sever the relationship that still exists between that other person with that part of the intended asset (McGowan & Elliott, 2019).

## II. ELEMENTS OF CRIME OF THEFT

The elements of theft consist of:

1. Subjective elements, namely: With the intention to master the object in an unlawful way.
2. Objective elements, namely:
  - a) Whoever.
  - b) Take.
  - c) Something thing.
  - d) Some or all of it belongs to someone else (Lamintang, 2009: 2).

In order for someone to be proven to have committed a criminal act of theft, that person must be proven to have fulfilled all elements of the criminal act of theft contained in the formulation of Article 362 of the Criminal Code (Mustafa, Anwar, & Sawas, 2019). Although the establishment of the law does not state explicitly that the theft of the criminal acts referred to in Article 362 of the Criminal Code must be done intentionally, but the truth is that the criminal act of theft must be denied intentionally, namely because of our applicable criminal law do not know the institution of a criminal act of theft which was carried out accidentally or installed culpae (Rodrigues et al., 2019). Deliberation or the perpetrators' *opzet* includes the following elements:

- 1) Take it.

- 2) Something objects.
- 3) Which partly or wholly belongs to another person.
- 4) With the intention to control the object in an illegal manner (Wirjono, 2003: 2).

### III. DEFINITION OF THEFT WITH VIOLENCE

The criminal act of theft regulated in Article 365 of the Criminal Code is actually only one crime, and not two crimes consisting of crimes of theft and crimes of the use of violence against people (Schuringa, Spreen, & Bogaerts, 2019). The criminal act of theft regulated in Article 365 of the Criminal Code is also a *gequalificeer* installed or a theft with qualifications or is a theft with aggravating elements (Szablowski & Campbell, 2019). According to the arrest of Hoge Raad the meaning of the word is burdensome because in the theft, people have used violence or threats of violence (Lamintang, 2009:56).

Violent theft is the formulation of a criminal law for an act that lay people often refer to as robbery, robbery or mugging (Tillyer & Tillyer, 2019). Violent theft is one type of crime that can occur if supported by situations and conditions that are vulnerable. The crime itself always involves the criminal as the perpetrator and the victim, or every time there is a crime there is always a victim (Valasik, Brault, & Martinez, 2019).

Meanwhile, in the opinion of R. Soesilo in interpreting violence is using physical or physical force is not unlawful (Soesilo, 2009: 123). According to Lamintang P.A.F. and C. Djisman Samosir Article 89 of the Criminal Code only says about violence, the sound of Article 89 of the Criminal Code is what is likened to committing violence is to make people faint or be helpless (Lamintang, 2009:156).

According to Simons, the violence does not need to be a means or means to theft, but rather if the violence occurred before, during and after the theft was carried out with the intent as stated in the formulation of Article 365 paragraph 1 of the Criminal Code, namely (Simon, 2009:54).

- a) To prepare or to facilitate theft that will
- b) If the crime that they committed was *op heterdaad betragt* or known at the time being committed, to allow himself or others the crime participants can escape.
- c) To guarantee that they will still control the items they have stolen.

### IV. ELEMENTS OF THEFT WITH VIOLENCE

In criminal law we recognize several definitions of the definition of a crime or the term criminal act as a substitute for the term "*Strafbaar Feit*". While in our country's laws the term is referred to as a criminal event, criminal act or offense. Seeing what is meant above, then the legislators are now consistent in the use of the term crime (Zellars, 2019).

The criminal act of theft with violence regulated in Article 365 of the Criminal Code, basically has the following elements:

1. Intent to "prepare for theft", such as acts of violence or threats of violence that precede the taking of goods. For example: tying house guards, hitting and others.
2. The intention is to "facilitate theft", that is, the taking of goods is facilitated by violence or the threat of violence. For example: pointing to be silent, not moving, while the other thief took the items in the house (Sudradjat, 1986: 71).

From the formulation of Article 365 of the Criminal Code can mention the elements of criminal acts of theft with violence from paragraph 1 to paragraph 4. The elements of this criminal act as emphasized by Wirjono (2003), are as follows:

1. Theft with:
  - a) Preceded.
  - b) Accompanied.
  - c) Followed.
  - d) By violence or threats of violence against someone.
2. Subjective elements:
  - a) Preparing or facilitating the theft or,
  - b) If caught red handed gives an opportunity for yourself or other participants in the crime.

## CRIMINOLOGICAL REVIEW OF FACTORS THAT CAUSE VIOLENT THEFT

The definition of criminology in the narrow sense is science which aims to study the symptoms, because of the causes and consequences of evil deeds and disgraceful behavior (Noach, 1992: 36-37).

Mr.W.A Bonger said criminology is science that aims to investigate the symptoms of crime to the fullest (theoretical and practical criminology). Theoretical criminology is a science based on experiences, like a kind of science that considers the causes of the phenomenon in the ways available to it (Bonger, 1982: 9).

Whereas Edwin H. Sutherland and Donald R. Cressey, who opposed criminological views, are a unit of knowledge about crime as a social phenomenon, arguing that the scope of criminology includes processes of legal action, violation of the law and reactions to violation of the law. In this connection criminology can be divided into 3 parts, namely (Soesilo,1983.6):

1. The sociology of law as a scientific analysis of the conditions for the development of criminal law.
2. Etiology of crime, which tries to do a scientific analysis of the causes of crime
3. Penologists who pay attention to crime control.

According to Gerson W. Bawengan, crime is a name or stamp given by people to judge certain actions, as evil deeds. Thus, the offender is called a criminal. Because that understanding comes from the realm of values, it has a relative meaning, which is very dependent on the human being who gives those judgments (Bawengan, 1973: 11; Anggraeni, 2020)

According to Sue Titus Reid. To formulate a law about crime, the things that need attention are (O'Reilly & Doerr, 2020):

1. Crime is a deliberate act, in this sense a person cannot be punished only because of his mind but rather there must be an action or an idle in acting. Failure to act can also be a crime, if there is a legal obligation to act in a particular case. Besides that, there must be evil intentions.
2. Is a violation of criminal law.
3. What is done without a legal acknowledgment or justification.
4. State sanctions are imposed as a crime (Mulyanah, 1989:20).

So, in short, criminology is a discipline that studies criminals, which are seen from the factors of crime, how to deal with it. So that criminology is expected to provide input on criminal science.

## CRIMINOLOGICAL THEORY OF CAUSES OF VIOLENCE THEFT AND ANALYSIS OF FACTS

### I. CONTROL THEORY

Control theory is a theory that seeks to find answers why people commit crime. Control theorists see that humans are creatures that have pure morals. Therefore, every individual is free to do something. This freedom will lead someone to various actions. This action is usually based on the choice of obeying the law or violating the rule of law (Aryanezhad, 2019).

Hirschi said, there are 4 elements of social ties found in every society, namely (Hendro, 2004: 98):

1. Attachment is the ability of humans to involve themselves in others.
2. Commitment is a person's attachment to conventional subsystems such as schools, jobs, organizations and so on.
3. Involvement is a person's activity in a conventional sub-system. If an active person in all activities then that person will spend all their time and energy on these activities.
4. Belief is one's belief in moral values.

Hirschi said that the four elements must be formed in society. If that fails to be formed, the youth will exercise their right to infringe (Basuchoudhary & Searle, 2019). Based on the description of the control theory above, to examine this problem is the theory of social control, because the social dick theory is more able to find answers about the background or the reasons for someone to commit theft with violence (Burns, Kinkade, & Bachmann, 2012). This is due to several factors including family, education, environment, from some of these factors a person can interact individually with individuals, individuals with groups or groups with groups. From the results of this communication can provide a dominant influence on perpetrators of theft with violent crime (Hyseni, 2014).

## II. ANALYSIS OF FACTS FROM CRIMINOLOGY PERSPECTIVE

Based on field observations accompanied by interviews with informants, there are a number of factors that cause a person to commit a theft crime with violence in the Demak Resort Police jurisdiction including.

There are three factors causing the crime of theft by violence which were stated by the perpetrators of which are:

a. Economic factors

According to the description of the perpetrators of crime, the main factor that becomes the driving force for committing criminal acts of theft with violence is the squeezing of the family economy, increasing basic needs resulting in someone being pressured to commit this stolen crime.

b. Environmental Factors (influence of friends and the environment itself)

While from environmental factors according to his statement, the driving force for committing criminal acts of theft with violence is the influence of friends, taunts and invitations from friends so that arises a desire to have something better than the theme.

c. Factors of Victims

The perpetrators of the crime of theft with violence explained that in addition to the factors above there were other factors, namely support from the victim, because the victim provided opportunities and opportunities to commit crimes, "The perpetrator did not have the intention to steal", the perpetrator also explained the victim took part in carrying out the violence among them the victims put up a fight, the victims screamed for help as a result of the impulse the perpetrators were forced to commit theft with violence.

Members of the police also mentioned the factors causing the emergence of violent theft by theft among others:

a. Family factors

The family is a major factor in a child's learning can be good or bad it depends on the upbringing of the family, because the beginning of a person's learning starts from the family itself, if in a good family most likely the child is also good but if the family is bad then the effect on the child will negative. So that it will make children to dare to commit crimes as well as upbringing from their families

b. Environmental Influence Factors

The social environment is also one of the backgrounds that gives effect to the criminal behavior of each individual. We look at the structure of society to see how it functions. If society is stable, its parts operate smoothly, social structure functions. Such a society is characterized by cohesion, cooperation, and agreement. However, if the parts are arranged in a situation that endangers social order, the composition of the community is called malfunctioning and crime arises

c. Economic factors

The background of this economic problem is one of the factors causing the emergence of a crime is crimes relating to property, and wealth, these crimes occur because of economic pressures where the people are in poverty, which is completely lacking in food, let alone clothing and housing.

d. Influence of the Internet and Communication Media

Communication media can really influence a person to commit violations as well as shows of violence and crime very quickly affect children and children will follow the same as in the communication media and internet shows (Lemuel, 2019).

Efforts to tackle theft of violent crime by the Demak Resort Police Department is an effort to prevent theft of violence by violence, this prevention effort aims to provide a sense of security and comfort for the community. In order to support the activities of preventing theft by violence, there are two efforts namely repressive efforts and preventive measures, including:

1. Repressive Efforts (repression)

This activity is law enforcement where the crime of theft has occurred violently, if you find a criminal act of theft with violence, then immediately conduct an investigation process to then be processed in accordance with applicable legal provisions. Although not all members of the Police have the ability and authority to conduct investigations, but members of the Police must take action in the event of a crime of theft with violence.

2. Preventive efforts (prevention)

Preventive activity is an activity or business that is preventive in order to prevent the occurrence of a crime of theft with violence or crime in any form. The preventive forms are: Increase ring control point, promoting routine patrol operations, Community education and guidance, Placing goods and vehicles in a safe place.

## CONCLUSION

After decomposing the material regarding the problem of crime of theft with violence targeting property in the Demak Police Precinct area, and efforts to overcome it, the following conclusions can be drawn:

1. Factors that cause violent crime theft at Demak Police Station are:

- a. Economic factors, the economic squeezing of the family, increasing basic needs cause a person pressed to commit crimes of theft with violence.
- b. Environmental factors (the influence of friends and the environment itself), the influence of friends, ridicule and invitations from friends so that arises a desire to have something better than the theme.
- c. Factor of the Victim is the opportunity to commit a crime. The perpetrator has no intention to steal.
- d. Family factor is the beginning of a person's learning starts from the family, if in a good family most likely the child is also good but if the family is bad then the effect on the child will be negative.

- e. Influence of the Internet and Communication Media shows of violence and crime greatly affect quickly to children and children will follow the same as those in the communication media and internet shows.
  - f. The crime starts from the intention of the perpetrators themselves, because basically a criminal must want to commit his crime smoothly without the slightest obstacle.
2. In line with the efforts made by Demak Regional Police to tackle theft with violence, it can be concluded that the Demak Regional Police will play a role or take actions in dealing with theft with violence, by doing the following:
- a. Repressive measures (repression)
    - 1) Receive reports of crime from the public or victims of theft by force,
    - 2) Follow up on reports from the community or victims.
    - 3) Performing the first action location of the incident (Place of Case),
    - 4) Looking for informants and witnesses of crime of theft with violence,
    - 5) Looking for evidence of crime of theft by violence
    - 6) Identifying the suspected perpetrators of theft with violence,
    - 7) Conduct arrests and ambushes of suspected theft with violence.
  - b. Preventive efforts (prevention)
    - 1) Increase the increase in ring control point (placement of members) in certain areas prone to criminal acts of theft with violence
    - 2) To intensify routine patrol operations,
    - 3) Counseling and community coaching about preventing criminal theft by violence,
    - 4) Placing goods and vehicles in a safe place.

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