

EFFORTS MADE BY POLRI AS LAW ENFORCEMENT OFFICIALS IN COMMITTING CRIME WITH VIOLENCE (BEGAL)

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**EFFORTS MADE BY POLRI AS LAW ENFORCEMENT
OFFICIALS IN COMMITTING CRIME WITH VIOLENCE
(BEGAL)**

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Abstract

The crime of robbery involves theft that can lead to the loss of a person's life. To address this issue, the police are empowered with authority and responsibilities outlined in Article 13 of Law Number 2 of 2002. These responsibilities include maintaining security and public order, upholding the law, and providing protection, services, and assistance to the community. This research aims to (1) understand the role of the National Police in combating criminal acts involving violence (such as "begal"), and (2) explore efforts to uphold the rule of law when addressing such criminal acts. This study adopts a normative legal research approach, incorporating statutory, case-based, and conceptual legal analyses. Legal materials are examined through interpretation and relevant legal theories, leading to deductive conclusions. The findings of this study reveal that (1) Robbery is classified as a criminal act punishable under Criminal Code Articles 365 and 368. The National Police employs preventive measures by advising the public to exercise caution in areas susceptible to robberies. Additionally, repressive legal actions are taken through investigations and trials to administer punishments. (2) If certain conditions for accountability are met, an individual displaying deviant behavior may commit specific criminal acts. Therefore, a perpetrator utilizing a planned approach to commit robbery, accompanied by the required evidence, could be sentenced to up to 12 years of imprisonment.

Keywords: Robbery, National Police Role, Rule of Law

1. INTRODUCTION

One form of crime that is now rife in society is robbery crime (theft by force), from the media, both mass media and electronic media, it can be seen that lately it often occurs in the community, both in cities and in regions, with various types of background. behind because of the insufficient necessities of life. With the development of the crime of theft, other forms of theft also develop, one of which is the crime of robbery or it can also be called the crime of theft which is accompanied by physical violence against the victim. Order and security in society will be maintained if every member of the community obeys laws that apply in society.

As a constitutional state as stated in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia), everything must refer to the law (Michael & Boerhan, 2020). This crime is regulated in book II of the Criminal Code. The Criminal Code is a source of material criminal law, which contains general rules of criminal law and formulations of other criminal acts, where these actions are prohibited from being carried out by roles accompanied by certain criminal threats for those who commit acts that are prohibited. then it will be subject to sanctions according to the law in force (Soesilo, 1996).

Lack of legal literacy makes people not aware that they have violated the rule of law (Astutik et al., 2020). This gives rise to crimes committed by thieves, corruptors, etc. When a thief intends his actions, then actually someone wants his wealth to be added to

the wealth of other people and that person sets aside halal businesses. This person is also not grateful for the results of his own efforts, but expects the results of other people's efforts, so that this person does not work hard which is the driving factor for the crime of robbery (theft with violence). *Begal* is a criminal act that greatly disturbs the comfort of the community, for this reason consistent action is needed that can uphold the law, so that harmony is established. Poverty which greatly influences the behavior of theft is the reality that occurs in society, this can be proven from crimes of this type which are increasing amid the objective conditions of the perpetrators in carrying out their activities, this condition can have an impact on several aspects, namely, the economic, social and environmental aspects of the perpetrator's life, but the extent to which these activities can provide positive value in building a law-abiding society (Sahetapy, 2005).

Crime is a problem that continuously requires serious attention from all parties, both by law enforcement and society in general. Many efforts and efforts have been made by law enforcers to reduce the growth rate of criminal acts, but criminal acts still often occur with the quantity and mode of operation constantly changing, this fact often occurs in various regions, especially in big cities such as Jakarta, Surabaya, Bandung, Jogjakarta and their forms are very varied, ranging from fraud, theft, and also persecution, all of which are carried out both individually and in groups, while the mode of operation for several robbery crimes (theft with violence) is still using conventional methods. Likewise, targets are still motivated by economics and only on certain immaterial crimes, where not only on the specifics of robbery (theft with violence), but many other crimes have been committed (Soekanto, 2002).

According to Article 365 Paragraph (1), (3) and (4) of the Criminal Code which reads: Paragraph (1) "Punished with a maximum imprisonment of nine years for theft which was preceded, accompanied or followed by violence or threat of violence, against a person with the intention of preparing or facilitating theft, or in the case of being caught red-handed, to enable the person or other participant to escape or to take possession of property. stolen goods". On Paragraph (3) "If said act results in death, it is punishable by a maximum imprisonment of fifteen years". On Paragraph (4) "Punished with life imprisonment or for a specified period of twenty years at the most, if the act resulted in serious injury and death and was committed by two or more people in partnership, accompanied by one of the paragraphs described in numbers (1) and (3).

The case contained in Decision Number: 303/Pid.B/2016/PN.Sky, that the crime of robbery is not a crime committed alone. This case was carried out jointly by Muhammad Ari Saputra Alias Atok Bin Budi Laksono together with witness Muhammad Oki Zulkarnain Bin Samsu, witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno, witness Dodi Andriansyah, S.Pdor Bin Kartawinata. This crime resulted in the loss of life of the victims Piyadinata and Yulyana. The crime of robbery is a crime of theft which results in the loss of a person's life.

Then in the context of preventing criminal acts against the community, the Police have the authority and duties that have been compiled in Article 13 of the Law of the Republic of Indonesia Number 2 of 2002 concerning the Police of the Republic of Indonesia which reads: (a) Maintain public security and order. (b) Upholding the law. (c) Providing protection, shelter and service to the community. The Indonesian National Police (Polri) is the National Police in Indonesia, directly responsible under the President.

Crime is a serious criminal act. Threats of punishment can be in the form of fines, prison sentences, death sentences, and sometimes it is added to the confiscation of certain

goods, the revocation of certain rights, and the announcement of a judge's decision (Masriani, 2009). Based on the background above, the writer is interested in conducting research in the form of a thesis with the title "Efforts Made by the National Police as Law Enforcement Officials in Combating Violent Crime (Begal)"

The objectives of conducting this research are to answer the main issues previously described, including: 1) Knowing the role played by the National Police in tackling criminal acts accompanied by violence (begal). 2) Know the efforts to implement the rule of law in tackling criminal acts accompanied by violence (begal). This research can be a means for researchers to implement theories obtained from lectures in the efforts made by the National Police as Law Enforcement Officials in Combating Violent Crime (Begal). This research also can be a reference for further research which will conduct research on the same topic, namely regarding the efforts made by the National Police as Law Enforcement Officials in Overcoming Violent Crime (Begal).

2. LITERATURE REVIEW

2.1. Law Enforcement Officers

In maintaining state security and order it is not enough if it is only regulated by criminal law, but there are police as investigators, prosecutors as public prosecutors, and judges as apparatus that can maintain and maintain state order. In criminal procedural law there is an initial process that accompanies before the trial, namely investigations carried out by investigators, in the event that the investigation is the authority of the Indonesian National Police (POLRI) and prosecution is carried out by the Public Prosecutor (JPU) (Lamintang, 2004).

2.2. Police

Authority is an understanding derived from government law, which can be explained as a whole of rules relating to the acquisition and use of government authority by public law subjects in public law relations. The authority of the police in carrying out investigations into criminal acts is an attribution authority that has been granted by law. The authority of the police is regulated in the Law of the Republic of Indonesia Number 2 of 2002 concerning the Police (hereinafter referred to as the Police Law).

2.3. Crime

According to Moeljatno, (2008) states that criminology is the science of crime and bad behavior and about the people involved in the crime and bad behavior. By crime referred to as violations, it means that acts according to law are punishable by crime and crime is part of human problems in everyday life (Moeljatno, 2008).

2.4. Robber (Begal)

Robber (Begal) is a criminal act that greatly disturbs the comfort of the community, for this reason, consistent action is needed that can uphold the law, so that harmony is established. Poverty which greatly influences the behavior of theft is the reality that occurs in society, this can be proven from crimes of this type which are increasing amid the objective conditions of the perpetrators in carrying out their activities, this condition can have an impact on several aspects, namely, the economic, social and environmental

aspects of the perpetrator's life, but the extent to which these activities can provide positive value in building a law-abiding society (Sahetapy, 2005)

3. RESEARCH METHODS

In this study, normative legal research was employed to explore legal norms, encompassing both positive law and draft laws (Soekanto & Mamuji, 2004). The research approach integrated a statutory examination of laws related to the addressed legal issues, along with a conceptual exploration of legal perspectives and doctrines (Hasbullah, 2017). The legal materials for this thesis were derived from three sources:

- 1) **Primary Legal Materials:** These included The Criminal Code (KUHP), The Criminal Procedure Code (KUHAP), and Law of the Republic of Indonesia Number 2 of 2002 regarding the Indonesian National Police.
- 2) **Secondary Legal Materials:** Literature reviews incorporated opinions of experts and legal practitioners sourced from the internet, along with legal theories.
- 3) **Tertiary Legal Materials:** This category comprised legal dictionaries, scientific papers, and encyclopedias.

The collection process began by understanding supportive legal norms and regulations. Secondary legal materials—opinions of legal experts—were then gathered and systematically organized to develop a comprehensive understanding.

Data analysis involved legal interpretation and pertinent legal theories to draw deductive conclusions. Starting with foundational laws and regulations, these were applied to relevant cases, leading to the formulation of conclusions.

4. RESULTS AND DISCUSSION

4.1. The Role of the Police in Overcoming Crimes Accompanied by Violence (Begal)

In the case of a crime, especially the crime of robbery, of course there is a modus operandi of the causes of the actions taken by the perpetrators of the crime of robbery which in the case of the crime of theft with murder. It can be said that every person who commits a crime or crime must have an inherent evil nature, because not only environmental factors or opportunities are factors of a crime, but must be accompanied by personal traits. Personal and environmental factors always reciprocate, they cannot even be separated from one another.

The law recognizes the term robbery crime is not clearly stated in statutory regulations. If you look at the concept of law enforcement that relies on the principle of legality as Article 1 paragraph (1) of the Criminal Code, "*nullum delictum nulla poena siena praevia lege poenali*", it explains that no act can be punished unless there is a law that regulates it. 2 A crime has not been criminalized, does not mean that the act cannot be subject to legal sanctions. Even though the mention of the term *begal* comes from the habits used by everyday people, this crime is still included in the classification of criminal acts. The term is identified with a crime committed by intercepting the victim on the street and confiscating the victim's property which is usually accompanied by violence and threats. In general, this robbery crime is included in the category of criminal acts that can be charged with the Criminal Code (KUHP), including Articles 365 and Article 368.

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Begal is categorized as a crime against property as outlined in book III of the Criminal Code.

In the process of law enforcement against robbery crimes and to suppress this increase in numbers, steps can be taken for law enforcement and road safety. These steps are formulated into two efforts, namely through preventive efforts and repressive efforts.

- 1) Prevention Efforts (Preventive) The number of crimes of theft with violence (*begal*) is getting higher, the police can carry out this patrol. In this patrol, the public is also advised to always be vigilant against crimes. The National Police through the BIMAS Unit always provide advice and counseling to road users and the public to be more careful and increase their vigilance when outside the home, while driving or when in a place far from crowds. This is what causes the frequent occurrence of crimes, especially for people who park their vehicles in places that are prone to crime, so that they always pay attention to the safety of their vehicles when they are abandoned so that the crime of theft, especially motorized vehicles, does not occur.
- 2) Enforcement Efforts (Repressive). In addition to preventive efforts, the Polsek through the Intelligence Unit also conducts investigations and takes action, especially in cases of robbery/*curas*. Assisted by the Polres and Polsek, this effort is carried out to the fullest extent possible so that every case that occurs can be resolved and the perpetrators of crimes can be acted on firmly and as quickly as possible. Polsek which is the task of the police in the area. One of the duties/authorities of the Polsek is to carry out investigations, detention and investigations in the field of justice.

4.2. Efforts to Implement the Rule of Law in Overcoming Crimes Accompanied by Violence (Begal)

4.2.1 Chronology of the Begal Case

At the time and place mentioned above, starting at around 24.00 WIT, the defendant met the witness Muhammad Oki Zulkarnain Bin Samsu, witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno, witness Dodi Andriansyah, S.Pdor Bin Kartawinata and Rendi at "internet cafe 86" then the witness Muhammad Oki Zulkarnain Bin Samsu said to the defendant "payo nak melok begawe dak" then after agreeing, at around 02.00 WIB the defendant and witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno went on foot to the rambutan garden area where located on Jalan Komplek Azhar, Tanah Mas Subdistrict, Talang Kelapa District, Banyuasin Regency, then a few moments later the witness Muhammad Oki Zulkarnain Bin Samsu together with witnesses Dodi Andriansyah, S.Pdor Bin Kartawinata And Rendi followed the defendant and witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno with using a black Honda Beat motorbike (not yet found) owned by the witness Muhammad Oki Zulkarnain Bin Samsu where before leaving for the scene, witness Muhammad Oki Zulkarnain Bin Samsu first took his machete from inside the cafe and put it on the motorbike he was driving to the scene and Rendi carrying a knife tucked into his waist

That when witnesses Muhammad Oki Zulkarnain Bin Samsu, witnesses Dodi Andriansyah, S.Pdor Bin Kartawinata and Rendi arrived at the scene of the incident, the defendant and witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno were installing bamboo in the middle of the road, and after the bamboo was installed then the defendant together with the witness Muhammad Oki Zulkarnain Bin Samsu, witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno,

Witness Dodi Andriansyah, S.Pdor Bin Kartawinata and Rendi sat in the garden by the side of the road while waiting for a motorbike to pass by at the scene of the incident.

That at around 03.30 WIB, the victim Piryadinata crossed the scene using a Honda Vario Techno BG 6833 JAD motorbike while carrying the victim Yuliana (wife of the Piryadinata victim) and because of the bamboo that had been installed by the defendant and the witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno was in the middle of the road so the victim Piryadinata slowed down his vehicle, saw the victim Piryadinata slow down his vehicle then the witness Muhammad Oki Zulkarnain Bin Samsu immediately confronted the victim while swinging his machete at the victim Piryadinata's body which hit the right back shoulder then the witness Muhammad Oki Zulkarnain Bin Samsu returned swung his machete, but was parried by the victim Piryadinata so that it hit the victim Piryadinata's right hand and the witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno immediately hit the victim Piryadinata on the back of the shoulder many times using a piece of bamboo then together the witness Dodi Andriansyah, S .Pdor Bin Kartawinata immediately punched the victims Piryadinata and Yuliana 2 (two) times each using a bamboo stick then Rendi using his knife immediately stabbed the victim Piryadinata repeatedly in the back and armpit and the defendant slashed the victim Piryadinata's right neck and right ribs with used a machete then when the victim Yuliana tried to run away, Rendi chased the victim Yuliana then Rendi stabbed the victim Yuliana in the right side of the chest and face repeatedly then after the victim Piryadinata fell down next witness Muhammad Oki Zulkarnain Bin Samsu and witness Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno immediately took the victim's motorbike without permission from the victim Piryadinata then the witness Dodi Andriansyah, S.Pdor Bin Kartawinata together with RENDI left the scene using the witness Muhammad Oki Zulkarnain Bin Samsu's motorcycle while the defendant left the scene on foot.

4.2.2 Accountability for Criminal Acts of Begal

The panel of judges in Decision Number: 303/Pid.B/2016/PN.Sky. decided that the defendant was proven guilty of committing a crime in Article 365 paragraph (2) 1st, 2nd, paragraph (3) of the Criminal Code and Law No. 8 of 1981 concerning the Criminal Procedure Code and other provisions related to this case. With the following decisions: (1) Declaring that the Defendant Muhammad Ari Saputra Aka Atok Binudi Laksono has been legally and convincingly proven guilty of committing the crime of "Theft with Violence which resulted in the death of the victim"; (2) Sentenced the defendant against the accused with imprisonment for 12 (twelve) years; (3) Determine that the period of arrest and detention that has been served by the Defendant is deducted in its entirety from the sentence imposed; (4) Stipulating that the Defendant remains in custody; (5) Establish evidence in the form of: (a) 1 (one) piece of bamboo with a length of approximately 2 (two) meters; (b) 1 (one) pair of navy blue trousers, brand Brooklyn; (c) 1 (one) black T-shirt with the brand Maternal; (d) 1 (one) broken machete 40 centimeters long; Used in case Number 302/Pid.B/2016/PN.Sky on behalf of Muhammad Andika Pratama Alias Dika Alias Selontok Bin Sukatno; (6) Burdening the Defendant to pay court fees in the amount of Rp. 2000, - (two thousand rupiahs);

Criminal responsibility in criminal law is intended to determine whether a criminal can be held accountable for a crime he has committed or not. In the case of a crime, it can be accounted for if there is an error. Because in the principle of criminal responsibility

there is a principle that coexists with the principle of legality, namely the principle of no crime without any mistakes. Criminal liability is determined based on the fault of the maker and not just by fulfilling all the elements of a crime. Thus, mistakes are placed as a determining factor for criminal responsibility and are not only seen as mere mental elements in criminal acts. However, there is also another view that departs from the principle of no crime without fault, namely the theory of separation of criminal acts and criminal responsibility or known as the dualistic teaching (Soekanto, 2002). In essence, this theory teaches that even though he has committed a crime, but the maker is not covered in a mistake, he can still be held responsible for his actions, because in the case of committing a crime, the maker is not always guilty of his actions. From the teachings of this dualistic theory, it can be concluded that mistakes are only an element of criminal responsibility, not as an element of a crime, because criminal acts only regulate actions that are against the law.

In general, theories about criminal law regarding criminal responsibility according to civil law adhere to guilt as an element of a crime, so because of that in discussing criminal responsibility it will simultaneously discuss errors in which this teaching is called monistic theory. From these theories, it can be concluded that error is the basis for determining criminal responsibility, and criminal responsibility will also determine whether the perpetrator of a crime can be punished. It's just that mistakes as a basis for criminal responsibility are not elements of a crime. The relationship between guilt, criminal responsibility and sentencing is that first of all we have to talk about guilt, after it can be determined that there was a mistake it can be determined about the accountability of the perpetrator of the crime, only after that will determine sentencing.

In terms of criminal responsibility, the element of error in a criminal act is a very fundamental element that cannot be separated from criminal responsibility, although there is a dualistic theory which explains that error is not always the main element in terms of criminal responsibility. However, the element of error is still very important in terms of criminal liability. Because mistakes are not only the basis for being held accountable for a crime, but also the basis for not being held accountable for committing a crime.

Error which is a fundamental element in criminal law, then develops into a doctrine which states that error is not only an element of a crime, but also an element of criminal responsibility (Abdullah, 2003). The notion of self-mistake is not only accepted as an element of a crime or criminal act, but also focuses on the actions of people and their consequences and also on the person who committed the act. In addition, mistakes are generally also related to the thoughts of the perpetrators of criminal acts, where from the use of the minds of the creators a behavior or result is born which is something that is prohibited in criminal law (Noor, 2021). Because if further investigated, a criminal act cannot be covered with an error if the criminal act that occurs because of it, occurs not because of the desire or thought of the perpetrator. criminal act, then it can be concluded the emergence of an error. When formulated from these definitions, it can be concluded that wrongdoing is the existence of a certain psychological (mental) condition in a person who commits a criminal act and there is a relationship between this condition and the act carried out in such a way intentionally or negligently, so that person can be reproached for commit a criminal act (Moeljatno, 2008).

Error itself consists of two forms of signs, namely intentional and negligence. Deliberateness in assessing the fault of a person who commits a crime considers that an act that can be punished is an act committed intentionally. The element of intent must be

considered in terms of a sign of an error or in terms of holding someone responsible for a crime. Deliberation is classified into three styles, namely intentional as intention, deliberate as a necessity, and intentional as a possibility. Intentional as a necessity is intentional that occurs because the goal to be achieved by the perpetrator of the crime can be realized by carrying out the act. whereas intentionality because of possibility is if the maker knows that his actions also have the scope for under certain circumstances a consequence will occur, or the maker thinks predictably to achieve a certain goal of committing a criminal act.

Then the form of negligence error, is an exceptional form of error, which means that not all actions that occur due to the negligence of the maker can be blamed (Soekanto 1984). In negligence, an act that occurs due to negligence resulting in the emergence of a new crime can be reproached or said to be a crime only if it is regulated in law. Forgetfulness itself consists of conscious forgetfulness and unconscious forgetfulness. A conscious mistake occurs when the creator does not use his mind properly, so that the prohibited result arises. The maker also does not realize that what he should know, can be known or guessed what he can predict. Meanwhile, in unconscious negligence, the creator does not think at all that his actions could result in a crime, even though the maker should have thought of this.

The difference between intent and negligence in the formulation of a sign of error in a criminal act can be seen in the criminal procedure. This can be seen from the difference in the sound of the judge's decision from the two forms of error. If the maker's negligence is not proven, he will be declared 'released'. Meanwhile, if it is not proven that it was intentional on the part of the maker, then the decision will be 'abandoned from all lawsuits'. This is because negligence is a core part (*bestdeel*) of a crime, while intention is not formulated in the formulation of the core part of a crime.

5. CONCLUSION

The research findings have led to the following insights: The first key observation is that robbery is firmly established within the category of criminal offenses that fall under the jurisdiction of the Criminal Code (KUHP), specifically encompassing Articles 365 and Article 368. The notorious act of "*begal*" is legally classified as a crime against property, precisely defined in book III of the Criminal Code. The prevalence of robbery in society has raised significant concerns, prompting the National Police to shoulder substantial responsibility in effectively addressing these criminal activities. Rooted in the authority attributed by law, the Police of the Republic of Indonesia (Polri) takes on a crucial role in managing issues that disrupt the harmony of the community. Polri, functioning as a dedicated law enforcement entity, undertakes a multifaceted approach involving both preventative and repressive legal strategies. Preventative initiatives center on public awareness campaigns, urging caution in areas susceptible to criminal activity. On the other hand, repressive measures entail thorough investigations leading to eventual trials. Moreover, it is essential to emphasize that irrespective of an individual's deviant behavior, the criteria for holding them accountable in a legal context must be met. This principle particularly holds true in cases involving murder. The imperative to uphold justice mandates that individuals who engage in criminal acts, even with deviations from societal norms, must bear criminal responsibility. This principle was exemplified in a specific case, where the defendant meticulously orchestrated their actions, gathering

evidence in advance to commit robbery. As a result of their actions, the perpetrator received a sentencing of twelve years' imprisonment.

Turning to potential improvements in light of the research, two recommendations arise: Firstly, the National Police should amplify their efforts in both preventive and protective measures. The National Police, entrusted with the mandate of safeguarding the community, should engage in collaborative endeavors with the public to collectively combat criminal activities like robbery. Secondly, it is essential to address the issue of sentencing adequacy. While the twelve-year prison term is imposed as a consequence for criminal acts, it raises concerns over its deterrent effect and proportionality relative to the loss of life and property experienced by victims. If the potential penalties are not deemed sufficiently impactful, individuals may not perceive them as significant deterrents, potentially undermining the broader goals of justice and crime prevention.

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