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Had A Role Of Polri An Implementing Crimes Violent (Study In Subdit Iii Jahtanras Directorate Of General Criminal Reservations Polda North Sumatera)

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ABSTRACT

Various factors, such as low education, religious morals, and environmental factors, can lead to a criminal act. However, the factors that significantly influence the emergence of criminal acts are economic factors. Economic needs must be met urgently. At the same time, the available job opportunities cannot meet all Indonesian people to work and earn a steady income, so that in meeting their needs, many people do everything they can to meet their needs. Accompanied by" or "followed by" violence or threats of violence must be closely related to efforts to facilitate or prepare or, if caught red-handed, to allow escape for oneself. This study aims to find out how to analyze the legal arrangements for violent crimes, analyze the factors that cause violent crimes, and explore the efforts of the Police Sub-Directorate III of Jahtanras General Criminal Investigation of the North Sumatra Police in Overcoming the Level of Violent Crime. It is an Empirical juridical with data collection tools at the location of the Police Sub Directorate III Jahtanras General criminal investigation of the North Sumatra Police related to the problem of this thesis. Based on the research results obtained, Crime in the Criminal Code is divided into two, namely Crime and Violations. The division is based on a principal difference, namely the division of Crime is arranged in Book II of the Criminal Code, in the Criminal Code Crimes Against Property, for example, theft in Article 362 up to 367 of the Criminal Code, Extortion in Articles 368 to 371 of the Criminal Code, Fraud in Articles 406 to 412 of the Criminal Code. According to the law, theft is divided into five types, namely common theft, regulated in Article 362 of the Criminal Code, theft with aggravation is regulated in Article 363 of the Criminal Code, theft with violence is regulated in Article 365 of the Criminal Code, theft within the family is regulated in Article 367 of the Criminal Code, Crimes Against A Person's Body and Life such as Persecution and Murder.

ABSTRAK

Berbagai faktor seperti pendidikan yang rendah, moral agama, dan faktor lingkungan dapat menyebabkan terjadinya suatu tindak pidana. Namun, faktor yang secara signifikan mempengaruhi timbulnya tindak pidana adalah faktor ekonomi. Kebutuhan ekonomi harus segera dipenuhi. Pada saat yang sama, kesempatan kerja yang tersedia tidak dapat memenuhi seluruh penduduk Indonesia untuk bekerja dan memperoleh penghasilan tetap, sehingga dalam memenuhi kebutuhannya, banyak orang melakukan segala cara untuk memenuhi kebutuhannya. Disertai dengan" atau "diikuti" kekerasan atau ancaman kekerasan harus berkaitan erat dengan upaya memfasilitasi atau mempersiapkan atau, jika tertangkap basah, membiarkan diri sendiri melarikan diri. Penelitian ini bertujuan untuk mengetahui bagaimana menganalisis pengaturan hukum tindak pidana kekerasan, menganalisis faktor-faktor penyebab terjadinya tindak pidana kekerasan, dan menggali upaya Subdit III Bareskrim Umum Jahtanras Polda Sumut dalam Mengatasi Tingkat Kejahatan Kekerasan. Bersifat yuridis Empiris dengan alat pendataan di lokasi Penyidikan Tindak Pidana Umum Polsek III Jahtanras Polda Sumut terkait dengan permasalahan skripsi ini. Berdasarkan hasil penelitian yang diperoleh, Tindak Pidana dalam KUHP terbagi menjadi dua, yaitu Tindak Pidana dan Pelanggaran. Pembagian tersebut didasarkan pada perbedaan pokok, yaitu pembagian Tindak Pidana diatur dalam Buku II KUHP, dalam KUHP Tindak Pidana Terhadap Harta Benda, misalnya pencurian dalam Pasal 362 sampai dengan 367 KUHP, Pemerasan dalam Pasal 368 sampai dengan 371 KUHP, Kecurangan dalam Pasal 406 sampai dengan 412 KUHP. Menurut undang-undang, pencurian dibagi menjadi lima jenis, yaitu pencurian biasa yang diatur dalam Pasal 362 KUHP, pencurian dengan pemberatan diatur dalam Pasal 363 KUHP, pencurian dengan kekerasan diatur dalam Pasal 365 KUHP. Pencurian dalam keluarga diatur dalam Pasal 367 KUHP, Kejahatan Terhadap Tubuh dan Jiwa Seseorang seperti Penganiayaan dan Pembunuhan.

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I. INTRODUCTION

Various factors, such as low education, religious morals, and environmental factors, can lead to a criminal act. However, the factors that significantly influence the emergence of criminal acts are economic factors. Economic needs must be met urgently. While the available job opportunities cannot meet all Indonesian people to work and earn a steady income, so too in meeting their needs, many people do everything they can to meet their needs (Budiono, 2018). This is what makes the crime rate high, such as fraud, extortion, and theft(Zarzani et al., 2020).

The existence of Law No. 2 of 2002 concerning the Indonesian National Police and the Criminal Procedure Code. Article 2 of Law No. 2 of 2002 explains that the National Police has a function to maintain security and public order, law enforcement, protection, protection, and service to the community. Article 4 also explains that the National Police must realize internal security, which includes maintenance of security and public order, order and enforcement of the law, implementation of protection, protection, and service to the community, as well as the establishment of public peace by upholding human rights (Medaline et al., 2020).

In article 365 of the Criminal Code, there is an element of being "preceded" or "accompanied" or "followed by" violence or threats of violence must be closely related to efforts to facilitate or prepare or in the case of being caught red-handed to allow escape for oneself or other participants or to ensure that they remain in control stolen goods. In contrast, the explanation for the definition of "violence" can be seen in article 89 of the Criminal Code, which states that making people faint or helpless is the same as using violence. If the elements of violence or threats of violence above can be linked to other elements in Article 365 of the Criminal Code, namely the element of "severe injury or death", it can be concluded that what is meant by "violence or threats of violence" in Article 365 of the Criminal Code is violence in a physical sense (Halawa et al., 1945).

In article 365 of the Criminal Code, there is an element of being "preceded" or "accompanied" or "followed by" violence or threats of violence must be closely related to efforts to facilitate or prepare or in the case of being caught red-handed to allow escape for oneself or other participants or to ensure that they remain in control stolen goods, while the explanation for the definition of "violence" can be seen in article 89 of the Criminal Code, which states that making people faint or helpless is the same as using violence. If the elements of violence or threats of violence above can be linked to other elements in Article 365 of the Criminal Code, namely the element of "severe injury or death", it can be concluded that what is meant by "violence or threats of violence" in Article 365 of the Criminal Code is violence in a physical sense (Diputra, n.d.).

The crime of theft with violence. Bengal is a crime that occurs in society. To study the causes of crime, the term criminology is known literally from the words "crimen, which means crime or criminals, and "logos," which means science, then criminology can mean the science of crime or criminals. Wolfgang, Savitz, and Johnston in The Sociology of Crime and Delinquency define

criminology as a collection of knowledge about a crime that aims to gain knowledge and understanding of the symptoms of crime by studying and scientifically analyzing information, uniformities, patterns, and causal factors related to crime, perpetrators of crime and society's reaction to both (Zarzani et al., 2020).

Literature Review, Indonesia as a country is based on the law (rechtstaat), not based on power (machstaat). This statement is contained in the constitution of the Unitary State of the Republic of Indonesia, namely the 1945 Constitution of the Unitary State of the Republic of Indonesia. In the amendment to the 1945 Constitution after the reformation, Indonesia has still declared a state of law. The role of the police is all acts of prevention in the occurrence of a crime by the laws and regulations (Galih Prasetyo & Muis, 2015).

Laws that have reflected a sense of truth and justice in the community must first understand the true meaning of the law. In principle, the meaning of the law is to realize justice and truth in human life. This meaning will be realized with the courage to include the principles of justice in the rules of living together. Justice in law is justice that can provide peace and happiness for the community. The extent to which justice can be realized is usually tested through the practice of implementing the law, including whether the judge has been able to provide justice in his decisions (Farranha et al., 2019).

Crime prevention efforts, such as theft with violence, can be carried out through criminal law policy efforts. Applicable legal provisions and procedures must handle crimes that arise in society, such as traffic violations. A criminal policy pattern can be carried out in terms of efforts to overcome a criminal act. We can take the opinion of Barda Nawawi Arief, namely by taking three main elements, namely the application of criminal law (criminal law application), prevention without punishment (prevention without punishment), and influencing public views on Crime and punishment through mass media (influencing views of society on Crime).).

Thus, crime prevention efforts can be broadly divided into two: through the penal route (criminal law), which focuses more on the repressive nature; and through non-penal channels, focusing more on the preventive nature or prevention before the Crime occurs. Overcoming Crime through non-penal channels, the main target is to deal with the conducive factors that cause Crime, centered on social conditions that can directly or indirectly foster Crime (Hukum et al., 2017).

Law enforcement in Indonesia cannot be separated from the role of law enforcement officers. According to Article 1, Chapter 1 of the Criminal Procedure Code (KUHAP), what law enforcement officers mean by this law are investigators, public prosecutors, judges, and legal advisors. Law enforcement apparatus as encompassing the notion of law enforcement institutions and law enforcement officers (Liu et al., 2019).

Violent Crime is a person who commits a crime intending to injure someone and seize another person's property to control. A criminal is a person who at the time of committing a crime, immediately after a while the criminal act is committed, a moment later the public is called out as the person who did it or if a moment later an object is found which is strongly suspected of having been used to commit the Crime (Tarigan et al., 2018).

II. RESEARCH METHOD

In this study, research specifications are used, namely, analytical descriptions that describe or describe events and events stated by the respondent in writing or verbally, as well as their natural behavior, which is researched or studied as a whole. The research location was conducted at the Police Sub Directorate III Jahtanras General Criminal Investigation of the North Sumatra Police because the research location had sufficient relevant data regarding the problem of violent crime in the field.

Based on the opinion of Soerjono Soekanto, who stated that "In research, in general, there are three types of data collection tools, namely in the form of document studies or library materials,

observations or observations, and interviews or interviews, so that the three pieces of evidence are used together." This study uses data collection tools, namely field research (Field Research) and Library Research (Library Research). To solve a problem so that conclusions can be drawn by utilizing the data that has been collected and then analyzed first by using qualitative analysis, which discusses the results of research that are described comprehensively, by trying to see the factors behind specific programs, cultures, and policies, for example, the restoration of principles:- Relevant legal principles, theories and norms, doctrines, and articles contained in statutory regulations.

III. RESULT AND DISCUSSION

Violence in various forms is the motive for some of the cultural behavior of the Indonesian people, which until now is the reducing mainstream. the values of the nation's personality and give the impression that the climate of human solidarity is not yet fully capable of having an introspective personality politically, economically and socially, the personality of the nation and gives the impression that the climate of human solidarity is not yet fully capable of having strong personalities or characteristics that cause injury or death to people. others, physical damage, property or coercion. the location of the weighting in Articles 363 and 365 of the Criminal Code, where the weighting in this case is carried out by imposing a criminal penalty plus 1/3 of the principal sentence.

Violent crimes in the Criminal Code (KUHP), the arrangements are not united in one special chapter, but are separated in certain chapters. In the Criminal Code, violent crimes can be classified as follows:

- a. Crimes against the lives of others Article 338-350 of the Criminal Code
- b. Crime of persecution Article 351-358 of the Criminal Code
- c. Crimes such as theft, mugging, robbery Article 365 of the Criminal Code
- d. Crimes against decency, in particular Article 285 of the Criminal Code
- e. Crimes that cause death, or injury by negligence, Article 359-367 of the Criminal Code.

This is done because the act is a combination of criminal acts between theft and acts of theft with violence. So based on the description above, it is clear that we know that in this case of theft there is known theft with weighting as regulated in Article 363 of the Criminal Code and furthermore regarding the type of theft that we know in criminal law there is also called light theft, where regarding this light theft it is clearly regulated in Article 364 of the Criminal Code which reads as follows:

- a. The acts described in Articles 362 and 363 of the Criminal Code as long as they are not committed in a house or in a closed yard where there is a house, then if the price of the stolen goods is not more than two hundred and fifty thousand, it is punished as light theft with a sentence of up to three months or a maximum fine of Rp. 900.
- b. The provision in Article 364 of the Criminal Code is called light theft, where this is interpreted as follows: the price of the stolen goods is not more than Rp.250. Theft is carried out by two or more people as long as the price of the goods is not more than Rp. 250 Theft is by entering the place where the goods are taken by dismantling, breaking and so on. So it is clear that we know that this light theft in the Criminal Code is regulated in Article 364 of the Criminal Code. Furthermore, in addition to the above, the types of theft are still there, we are familiar with the term theft in family essays as in Article 367 of the Criminal Code (Brantingham et al., 2017).

To understand the law that reflects the community's sense of truth and justice, one must first understand the true meaning of law. In principle, the meaning of the law is to realize justice and truth in human life. This meaning will be realized with the courage to include the principles of justice in the rules of living together. Justice in law is justice that can provide peace and happiness for the community. The extent to which justice can be realized is usually tested through the practice of implementing the law, including whether judges have been able to provide justice in their decisions (Zarzani et al., 2020).

Based on the observations made by the author in finding the factors causing the occurrence of crime, in this case there are several factors that are very prominent, namely Economic Factors, one's life needs cannot be separated from the economy which must always be fulfilled in order to survive, especially in a modern era The difficulty of employment opportunities for the community is the impetus for someone to take shortcuts to enrich themselves by making every effort and justifying all means in order to meet the needs of daily life.

The second is the limitations of education for the community with the cost of education in this day and age, there are a lot of out-of-school children. We can see on the streets a lot of children who do not go to school prefer to work in order to help their family life, the limitations of education are also very influential in the occurrence of crime, with the standard of work nowadays, it is necessary to have at least a high school diploma and even then it is still difficult to get a job, so many children and even parents with limited education commit crimes.

The third prominent factor is the influence of the media, internet and television, which now show violent scenes, adult scenes so that children can easily practice what they see, and the control of parents over children is also reduced so that children are free to do whatever they want. want, and internet media is very influential in the era of sophisticated technology, making most people wrong in using technology in its place. The environment is not good, the environment is also influential in the emergence of crime, people behave or behave as criminals are often affected by their daily life and social environment, we find a lot of crimes committed in groups, one of which is the crime of robbery. Even more than five people alone, a bad environment and bad relationships are factors in the emergence of crime.

Law is closely related to justice. There are even people who think that law must be combined with justice, so that it really means law. Because through a just legal system people can live in peace to a physical and spiritual well-being. For most adherents of positivism, they demand that the laws that are formed are fair. The law contains a demand for justice. A just law is a law that is in accordance with the wisdom and beliefs of the people

Crime prevention efforts need to be pursued with a policy approach. That is, there is integration (integrality) between criminal politics and social politics, as well as there is integration between crime prevention efforts with "penal" and "non-penal". As an effort to overcome crime with criminal law, criminal law policies are part of law enforcement policies, especially criminal law enforcement, and are also an integral part of community protection efforts (social defense) and efforts to achieve social welfare.).

In general, crime prevention (including beheading) can be taken through two approaches, namely Penal and Non-Penal. Both approaches in implementing their functions must go hand in hand in a synergistic manner, complementing each other. If the first approach is taken, then this means that the prevention of a crime is carried out using a criminal law policy (penal policy/criminal law policy), namely, "Efforts to realize criminal laws and regulations that are in accordance with the circumstances and situations at a time and for the future. "That is, criminal law is functioned as a means of social control, namely with sanctions in the form of criminal acts to be used as a means of tackling crime.

Crime prevention efforts have been carried out by all parties, including the government, social institutions, and society in general. Various activities and programs have been carried out to find the most appropriate and effective way to overcome crime prevention.

According to Barda Nawawi Arif, that efforts or policies to prevent and combat crime are included in the field of criminal policy, this criminal policy cannot be separated from broader policies, namely social policies consisting of policies/efforts and social welfare and policies/efforts. -Efforts for the protection of society.

 $\textbf{Table 1}. \ \textbf{The data on the ability to handle cases at the North Sumatra Police Ditreskrimum in } 2020 \ \text{are}$

No	Month		Sub	edit I			Sub	edit Ii			Sub	edit Iii			Sube	dit Iv		Total				
		Lp	Happ Ii	Sp 3	Sple ndid	Lp	Hap p Ii	Sp 3	Sple ndid	Lp	Hap p Ii	Sp 3	Sple ndid	Lp	Hap p Ii	Sp 3	Sple ndid	Lp	Hap p Ii	Sp 3	Sple ndid	
1	Januar y	5	-	2	-	21	2	-	-	26	7	4	-	17	5	4	-	69	14	10	0	
2	Februa ry	11	-	7	-	17	-	8	-	24	24	-	-	18	-	3	-	70	24	18	0	
3	March	13	1	3	-	18	2	-	-	34	15	3	-	12	1	-	-	77	19	6	0	
4	April	24	-	4	1	13	-	16	-	28	6	6	-	5	-	10	-	70	6	36	1	
5	May	13	1	25	-	15	-	28	-	36	8	9	-	13	3	14	-	77	12	76	0	
6	June	11	-	21	2	10	-	28	1	31	13	44	-	20	2	53	-	72	15	14 6	3	
7	July	21	-	12	-	17	1	16	-	35	13	10	-	19	4	12	-	92	18	50	0	
8	August	13	1	4	-	10	2	4	-	25	3	6	-	20	1	6	-	68	7	20	0	
9	Septe mber	14	2	5	-	23	3	2	-	17	7	9	-	33	5	7	-	87	17	23	0	
10	Octobe r	17	1	6	-	21	1	3	-	32	5	18	-	19	1	6	-	89	8	33	0	
11	Novem ber	20	1	6	-	18	1	16	-	27	8	10	1	17	3	11	-	82	13	43	1	
12	Decem ber	10	-	8	-	13	3	16	-	20	4	8	-	21	-	4	-	64	7	36	0	
Amount		17 2	7	10 3 113	3	1 9 6	15	13 7 153	1	3 3 5	113	12 7 241	1	21 4	25	13 9 155	-	91 7	160	50 6 662	5	

Table 2. Data on the ability to handle cases at the North Sumatra Police Ditreskrimum in 2021.

	Month	Sub	edit I			Subedit Ii					oedit Iii		Sul	bedit Iv	7		Total				
No		Lp	Hap p Ii	Sp3	Sple ndid	Lp	Happ Ii	Sp3	Sple ndid	Lp	Happ Ii	Sp3	Sple ndid	Lp	Happ Ii	Sp 3	Sple ndid	Lp	Happ Ii	Sp3	Splen did
1	January	15	-	4	-	21	3	5	-	51	8	7	-	27	1	7	-	114	12	23	-
2	February	12	2	5	-	21	2	1	-	35	6	7	-	30	-	10	-	98	10	23	-
3	March	13	3	5	-	22	1	12	-	24	5	9	-	24	3	7	-	83	12	33	-
4	April	8	1	2	-	9	1	15	-	35	9	10	-	23	3	5	-	75	14	32	-
5	May	9	1	13	-	12	1	7	-	16	5	6	-	14	-	5	-	51	7	31	-
6	June	12	2	1	-	13	1	11	-	32	9	11	-	22	-	8	-	79	12	31	-
7	July	9	1	2	-	14	1	9	-	30	4	8	-	23	1	5	-	76	7	24	-
8	August	7	2	4	-	23	-	14	-	49	5	3	-	20	3	3	-	99	10	24	-
9	Septembe r	8	1	2	-	13	-	2	-	38	10	5	-	9	3	5	-	68	14	14	-
10	October	22	-	7	-	21	-	-	-	41	7	-	-	23	3	18	-	107	10	25	-
11	November	17	1	5	-	15	1	10	-	48	5	9	-	13	-	3	-	93	7	27	-
12	December	23	-	28	-	13	-	16	-	28	3	59	-	18	1	29	-	82	4	132	-

Amount	15 5	14	78	-	19 7	11	10 2	0	42 7	76	134	-	24 6	18	10 5	-	102 5	11 9	419	-
		92				113				210			Ü	123				538		

Law enforcement in dealing with crimes that occur among the community is not only based on the police, but also the readiness of the community to participate and assist in realizing security and welfare in society, for example in giving testimony to a crime, and court considerations in giving decisions. The crime of robbery that occurs among the community itself is caused by one of the reasons for the lack of employment opportunities in the community, increasing food prices, higher demands for school fees, and many more so that people with low economies tend to commit crimes such as the crime of robbery.

What is said by violence is any action that uses energy, body or physical that is not light. The use of violence is formed in the form of hitting intentionally, hitting with a weapon, holding, binding, detaining, and so on. The crime of robbery requires a unity between theft and violence, which means that violence is carried out in order to prepare to facilitate or expedite the crime of theft or to allow escape in the case of arrest or in terms of retaining control of the stolen goods.

The Republic of Indonesia as mandated by the 1945 Constitution is obliged to protect the entire Indonesian nation and all Indonesian blood. Therefore, the Unitary State of the Republic of Indonesia is obliged to protect all its citizens from all forms of violence threats of terrorism both nationally and internationally. Violence according to Article 365 of the Criminal Code is in the form of an incident carried out at night in a house or a closed yard with a house, on a public street, or on a train or tram that is running, theft is committed by two or more people in an alliance, the theft is committed by entering into a place of committing a crime by breaking or climbing or by using a false key, false orders or false official clothes or if the act results in serious injury or even death.

In the elements contained in Article 365 of the Criminal Code, the crime of robbery fulfills these elements, among others, the crime of robbery is carried out on a public road, in a closed yard or in a train, or a tram that is running, the perpetrators of the crime of robbery are committed by two or more people in alliance. or in groups to make it easier to carry out the action. In addition to Article 365 of the Criminal Code, the crime of robbery can also be followed by Article 53 of the Criminal Code, namely an attempt to commit a crime, because many criminals are caught while trying to commit a crime and are also charged with Article 338 if the victim dies, in the crime of robbery it is not much different from We see a lot of robbery in the crime of robbery, robbery, which resulted in the victim being injured and some even died. And if the perpetrators of the crime of fraud in committing crimes use tools that can speed up, facilitate, their actions using weapons, whether sharp weapons, can be subject to Article 1 paragraph (1) of Law No. 12 of 1951 with the threat of imprisonment as long as it can be punished with imprisonment. dead,

IV. CONCLUSION

Legal arrangements in the crime of theft with violence, namely crime can be interpreted as an act that is not good, can harm the community, and also harm the perpetrator himself if he is proven to have committed a crime so that he is sentenced for what did base on the violation/behavior he made in violation of the laws and regulations. -Applicable invitations, such as theft, molestation, murder, and others. The crime in the Criminal Code is divided into two, Crime and Violation. The division is based on the principle differences, namely:

The division of crimes is arranged in Book II of the Criminal Code, in the Criminal Code for Crimes Against Property, for example, theft in Articles 362 to 367 of the Criminal Code, Extortion in Articles 368 to 371 of the Criminal Code, Fraud in Articles 406 to 412 of the Criminal Code. According to the law, theft is divided into five types, namely Ordinary Theft is regulated in Article 362 of the Criminal Code, Theft by Weight is regulated in Article 363 of the Criminal Code, Theft with violence is regulated

in Article 365 of the Criminal Code, Theft in family circles is regulated in Article 367 of the Criminal Code, Crimes against a Person's Body and Life include persecution and Murder.

Factors that cause the occurrence of the crime of theft with violence as a factor in overcoming this crime, including as a form of social and even humanitarian problems, need to be addressed immediately. Crime prevention efforts or commonly referred to as criminal policy. Crime is a behavior or action that can harm and harm other people. Evil comes from the word evil which means very bad, very bad, very ugly, which is seen in the habits of others. In the view of social science, crime is defined as a social phenomenon born in the context of structural injustice or the embodiment of the diversity of human behavior, which is a reaction to the condition of the socio-economic class of a person or group of people.

The efforts of the North Sumatran Police in Suppressing the Crime of Theft with Violence Law enforcement in dealing with crimes that occur among the community is not only based on the police but also on the readiness of the community to participate in helping to create security and welfare in the community, for example in giving testimony on a crime, and the court's consideration in making a decision. The crime of robbery that occurs in the community itself is caused by one of the reasons for the lack of employment opportunities in the community, increasing food prices, higher demands for school fees and many more so that people with low economies tend to commit crimes such as robbery.

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