

Legal Protection for Women as Victims in the Criminal Action of Mugging in Medan City

Monica Sarah Sirait¹, Laris Perjuangan Tambunan², Yulkarnaini Siregar³
^{1,2,3}Faculty of Law, University of Pembinaan Masyarakat Indonesia (UPMI), Indonesia

ARTICLE INFO

Article history:

Received Mar 9, 2023
Revised Mar 25, 2023
Accepted Apr 2, 2023

Keywords:

Law No. 31 Of 2014;
Legal;
Medan City;
Protection;
Women Victim;

ABSTRACT

One of the crimes that is rife in the national news is the mugging that occurred in Medan City where women are often be victims. The purpose of this research is to find out the legal protection provided by the state to women as victims of criminal acts of mugging, especially in Medan City. This type of research is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive which explain the problem according to the research title. The data used is secondary data which consists of primary legal materials in the form of Law No. 31 of 2014 concerning amendments to Law No. 13 of 2006 concerning the protection of witnesses and victims, the Criminal Code, the Law No. 39 of 1999 concerning Human Rights, the Criminal Procedure Code and secondary materials in the form of books, journals, electronic news, laws and regulations, court decisions and opinion of legal experts and writings related to the title of the research. Legal protection for women as victims of mugging in Medan City is urgently needed so that victims get justice. Law enforcers must unite to achieve an Integrated Criminal Justice System, especially the Police as law enforcers who have been given the authority by law to eradicate criminal acts of mugging that are rife in Medan City. Besides that, it is recommended for women to be more careful when driving at night alone.

ABSTRAK

Salah satu bentuk kejahatan yang marak di pemberitaan nasional adalah pembegalan yang terjadi di kota Medan dimana perempuan sering menjadi korbannya. Penulisan ini bertujuan untuk mengetahui perlindungan hukum yang diberikan negara kepada perempuan sebagai korban tindak pidana pembegalan khususnya di kota Medan. Jenis Penelitian ini adalah normatif dengan pendekatan perundang-undangan dan konseptual. Sedangkan spesifikasi penelitian adalah deskriptif analitis yaitu menjelaskan tentang permasalahan sesuai dengan judul penelitian. Data yang digunakan data sekunder yang terdiri dari bahan hukum primer berupa UU No.31 Tahun 2014 tentang perubahan atas UU No.13 Tahun 2006 tentang perlindungan saksi dan korban, KUHP, KUHP, UU No. 39 Tahun 1999 tentang Hak Asasi Manusia dan bahan sekunder berupa buku-buku, jurnal-jurnal, berita elektronik, peraturan perundang-undangan, putusan pengadilan dan pendapat ahli hukum dan tulisan-tulisan yang berhubungan dengan judul penelitian. Perlindungan hukum terhadap perempuan sebagai korban dalam tindak pidana begal di kota Medan sangat dibutuhkan agar korban mendapatkan keadilan. Para penegakhukum harus bersatu padu agar tercapai Sistem Peradilan Pidana Terpadu, terutama Kepolisian sebagai penegak hukum yang telah diberi kewenangan oleh undang-undang memberantas tindak pidana begal yang marak terjadi di kota Medan. Disamping itu, disarankan bagi perempuan lebih waspada dalam berkendara disaat malam hari apalagi seorang diri.

This is an open access article under the [CCBY-NC](https://creativecommons.org/licenses/by-nc/4.0/) license.



Corresponding Author:

Monica Sarah Sirait,
Faculty of Law,
Universitas Pembinaan Masyarakat Indonesia (UPMI)

Jl. Teladan No. 15 Medan 20214, Telp (061) 7872060
Email: siraitsarah98@gmail.com

I. INTRODUCTION

Legal protection must be provided by the government as a service in providing a sense of security, free from fear or threats to every citizen in any area where they are. Protection is all efforts to fulfill rights and provide assistance to provide a sense of security to victims which must be carried out by the LPSK (Witness and Victim Protection Agency) or other institutions in accordance with the provisions of the law, that guarantees for the protection of witnesses and victims have an important role in the judicial process crime so that the testimony of witnesses and victims given freely from fear and threats can reveal a crime and to increase efforts to fully disclose a crime, especially organized transnational crime, and besides that it is also necessary to provide protection for witnesses to the perpetrators, reporters and experts;(Indonesia, 2014).

The important thing in a rule of law state is respect for and commitment to upholding human rights and guarantees that all citizens are equal before the law (equality before the law) as stipulated in Article 27 paragraph 1 of the 1945 Constitution. Law Number 31 of 2014 regulates Regarding the Protection of Witnesses and Victims, Witnesses and victims have the right to receive protection for the safety of their personal, family and property, and to be free from threats regarding the testimony they will give, are currently giving, or have given. It is also regulated by an institution that is responsible for handling the provision of protection and assistance to witnesses and victims which is called Witness And Victim Protection Institution (LPSK).

In this case, the legal protection provided by the government to the public is the victim as a result of the perpetrators of crimes from people who are irresponsible and arbitrary towards victims. In a criminological perspective, crime is a human act that tarnishes the basic values and norms of society, an act that violates the rules that live and develop in society that is felt to be detrimental, annoying, so it should not be allowed. The problem of crime is not new, even though the place and time are different, the modus operandi remains the same(Dewi, 2019).

One form of crime that is currently rife in Medan City is the crime of mugging. In general, these crimes include criminal acts of theft or seizure of motorized vehicles with violence and even carrying sharp weapons which are currently more popularly known as mugging or mugging crimes. The rise of motorcycle theft crimes and violence with sharp weapons in Medan City is a social problem, namely problems in society, because the perpetrators and victims are also members of the community. These incidents of mugging have recently been rife in Indonesia. The crime of mugging in Medan City is busy in reporting in various media, both mass media and online media. Confiscation of motorcycles by way of injuring the victim and even leading to death(Hartono et al., 2021).

Crime does not look at status or appearance and anyone can commit a crime either from people we know, those closest to them, or from people who have no intention of committing a crime but have the opportunity. Among Indonesian people who are prone to becoming victims of violent crimes are women because they are considered weaker physically and physically than men(Ong, 2021). Crimes against women have broad dimensions that can occur in public and private(Siregar et al., 2020). Various studies and discussions have often been carried out to prove, explain, explain and manipulate women's rights due to the frequent victims of crime. Women's rights are used as the object of discussion along with various problems that befall women's lives. Even mugging crimes against women occur very often and with different motives, some even end in death(Ong, 2021).

This not only attracts the attention of law enforcers but also disturbs the sense of security of society, especially women. The crime of mugging is a social phenomenon that grows and develops in

society. The crime of mugging is certainly never wanted by the community, but instead the crime of mugging is always there and is carried out by members of the community themselves. Even though crime is a crime and there are sanctions or punishments, people still commit crimes. Some of the factors that cause people to commit crimes of theft and violence (Mugging) are justified by the demands of life, but not the least because of lifestyle and joining in. However, a crime is still an act that must be punished because it endangers other people to the point where it takes lives (Widodo & Faridah, 2020).

Crime itself is an eternal problem in human life, because it develops in line with the development of the level of human civilization which is increasingly complex, and the more regulations, the more possible violations. Over time, crime in the capital city and other big cities has increased, even in some areas and has reached small towns. Moreover, the Medan City is one of the third largest cities in Indonesia after the cities of Jakarta and Surabaya. In this increasingly sophisticated era of globalization, various forms of crime are often committed in Medan City. And of the many crime cases in Medan City, women are also often the victims. One form of crime that is rife in the national news is the mugging of women that occurred in Medan City (Ong, 2021).

Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, has regulated how to protect victims of crimes that occurred in Medan City. This law is a step forward in efforts to reform law in Indonesia and serves as a foundation for the protection of victims of crime in the realm of Indonesian criminal justice. The birth of the law is expected to provide a strong legal basis for the protection of victims. From these laws it can be concluded that there are several forms of protection for victims provided by the state including restitution, compensation, counseling and rehabilitation. Protection can be given immediately after the application from the victim is submitted to the LPSK or in certain cases the LPSK can provide protection without an application being submitted (Lubis, 2017).

The role of witnesses and victims is considered to have the ability to determine where the judge's decision will go, this has an impact on every witness and victim's statement as evidence so that it always receives great attention from both the legal officers involved. Witnesses and victims in giving their testimony should be given legal protection because in disclosing a criminal act witnesses and victims consciously take risks, these risks often threaten the life and freedom of witnesses and victims, which is why witnesses and victims tend not to want to talk, because of their position. The public can actually make him a victim for the second time because in revealing the events that he experienced, heard or knew about (Lubis, 2017).

As for the purpose of writing this research journal is to find out what legal protection is given by the state to women as victims of criminal acts of mugging, especially those that occur in Medan City. So that victims of these mugging crimes can get justice, fulfillment of their rights and assistance in accordance with the provisions of the law which must be implemented by the LPSK or other institutions. So that victims feel safe, free from fear or threats and can restore their confidence again in the midst of society.

II. RESEARCH METHODE

The type of research in this paper is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive, namely explaining the problem according to the research title. The data used is secondary data which consists of primary legal material in the form of Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, the Criminal Code (KUHP), the Law No. 39 of 1999 concerning Human Rights, the Law Number 8 of 1981 concerning the Criminal Procedure Code and secondary legal materials in the form of books, journals, electronic news, laws and regulations, court decisions and opinions of legal experts and writings related to the

research title. The data analysis method is carried out by collecting data through a review of library materials or secondary data which includes primary legal materials and secondary legal materials, both in the form of applicable laws and regulations, research results such as books, journals, thesis, documents, and relevant literature related to the problem to be studied.

The technique of collecting legal material is done by studying library books to obtain secondary legal material which is done by taking an inventory and studying and quoting from books, articles and related laws and regulations. After the legal material is collected, it is recorded, summarized and reviewed according to the problem. Then, when legal material is collected, a qualitative analysis is carried out, namely a discussion that is carried out by combining literature research as well as interpreting and discussing (Purwati, 2020).

Seeing the nature of this research, the method to be used is a qualitative method. The focus of this type of qualitative research is to gain a deeper understanding behind the phenomena that have been successfully recorded in relation to mugging crimes and what efforts are given to victims to get justice by protecting victims from further crimes, so that victims feel safe from threats that come again to them. victim. In this case the protection agency appointed by the government really works according to the mandate of the law on the protection of victims. This research was conducted in Medan City.

III. RESULT AND DISCUSSION

1. The Crime Of Mugging According To The Criminal Code (KUHP)

Crime is a criminal act that results in a fatal punishment or sanction. Crime is a pattern of behavior that harms society both physically and materially. The Big Indonesian Dictionary defines Mugging which can be interpreted as muggers, while mugging is robbing on the street, then Mugging is the process, method, act of mugging or depriving on the street. So Mugging is an act of robbing, robbing by force using a motorized vehicle and a sharp weapon. The lifestyle of teenagers who are increasingly diverse due to the influence of globalization also contributes to the increasing prevalence of Mugging (Widodo & Faridah, 2020) (Dewi, 2019).

Of course this should be a serious concern, because if we look at what is happening in cities, from day to day there are more and more criminal acts and crimes committed by Muggings which in turn are increasingly troubling the people, especially in Medan City. Talking about mugging crimes in the perspective of the Criminal Code (KUHP) aims to understand the mugging crimes in Article 365 which are related to the meaning, types of punishment in the Criminal Code, elements, conditions for perpetrators as well as sanctions and execution of mugging crimes.

The criminal act of mugging that is committed if interpreted broadens the meaning, including the crime of property crimes contained in book II of the Criminal Code, starting from article 362 to article 367 regarding theft, from article 362 to article 367 the crime of mugging is included in article 365 of the Criminal Code where In practice, interpretations (interpretations) have been carried out to broaden understanding. Every act or crime is regulated in the Criminal Code (KUHP). The judge in this case has the authority to adjudicate concrete cases as a justice breaker.

Viewed from the national interest, theft with violence is a negative behavior and detrimental to the morale of society. Theft with violence is one of the diseases of society that unites/combines with crime, which in the historical process from generation to generation turns out that this crime is a crime that harms and tortures other people. Therefore, efforts should be made to keep people away from stealing with violence against other people (Surbakti & Zuliandi, 2019).

Based on the wording of Article 362 of the Criminal Code, we can see the elements as follows: taking goods, what must be taken must be an item, the item must be wholly or partly owned by another person, the taking must be carried out with the intention to own the item against the law

(against the right)(Indonesia, 1946). For more details, when detailed the formulation consists of the following elements(Situmorang et al., 2020)(Ishaq, 2020): (a) Objective elements, consisting of: the act of taking, the object is an object, the element of circumstances that accompanies/is attached to the object, that is, the object partially or wholly belongs to another person. (b) Subjective elements, consisting of: there is an intention, which is intended to have, by violating the law

The crime of mugging is basically a figure of speech for stealing, it's just that in terms of the act of mugging, mugging has its own characteristics in its actions, it says committing mugging on the street, without hesitation to injure and kill the victims. In the Criminal Code (KUHP) the incident of confiscation of other people's belongings while on the street is implicitly contained in the second book on crime, Chapter XXII on Theft in Article 365. As for what is meant by theft in Article 362 of the Criminal Code is anyone who who takes something, which is wholly or partly owned by another person, with the intention to own it unlawfully. Whereas in Article 365 and paragraph (2) as a complement to the information in Article 362 it is explained that if the theft is accompanied or followed by violence or threats of violence, against a person with the intention of preparing or facilitating theft or in the case of being caught red-handed to allow him to escape himself or other participants to control the stolen goods and the act was carried out on public roads(Indonesia, 1946).

The crime of mugging is a social problem, namely problems in society, because the perpetrators and victims are also members of the community. Criminology also takes into account the concept of crime and deviant behavior from the point of view of its own society, not from the perspective of people from outside the community. Society will state that an act is called a crime if the behavior has an impact that is detrimental to the community concerned(Dewi, 2019). So it can be concluded that the crime of mugging according to the Criminal Code (KUHP) is a crime of taking other people's belongings on public roads (alone or in groups) with violence or threats that can result in injury and can even cause death.

2. Factors Causing Someone to Commit a Criminal Act of Mugging Legal

The causes of the occurrence of crime in terms of criminology, which is one of the theories in the search for and researching the causes of crime in society. There are several different theories from other theories, theories from the sociological aspect have reasons for causing crime in the social environment. The theories on the causes of crime from the sociological aspect are grouped into three general categories, namely: 1. Anomie (absence of norms), 2. Cultural Deviance, 3. Social Control(Widodo & Faridah, 2020).

Crime, especially theft with violence or in today's terms, namely mugging, has become one of the most prominent crimes in various regions, such as the Medan City. This is because the perpetrators of theft with violence are getting bolder in carrying out their actions, regardless of whether the victim is male or female. It doesn't matter if the situation at the scene is crowded or not. Because the perpetrators and their accomplice already had a strategy or tactics to commit the crime of motorbike theft or mugging and violence using sharp weapons(Suwandi, 2017).

Factors that cause someone to commit the crime of motorbike theft (mugger) From a criminological point of view, there are three factors that make perpetrators commit motorbike mugging, are (Widodo & Faridah, 2020): (a) Sociological factors, if translated, are divided into three categories, which are: anomie/strain, cultural deviation, and social control. (b) Psychological factors, having a view based on the maturity of someone doing something. And have psychological problems from an early age or other problems due to family conflict (broken home) and lack of instilling values (faith) by parents from an early age. (b) Biological factors, has a view of classifying criminals into 4 groups. are: Born criminals, Insane criminal, Occasional criminal, Criminal of passion.

According to the Head of the Medan DPRD Democratic Faction, HerriZulkarnainHutajulu. There are many factors for mugging crimes that occur in Medan City besides those mentioned above, namely

the high economic pressure factor and the desire to fulfill urgent needs that are not supported by limited employment opportunities and the level of faith of the perpetrators is also lacking, so the wrong shortcuts taken become muggers (Silalahi, 2017).

The act of mugging is still a problem in this country, terror for the people makes people afraid to leave their homes. Various ways have been done to eradicate the act of mugging. Forensic psychologist Reza Indragiri Amriel, written by Indira Rezkisari, assessed that there were three factors driving the mugging (Rezkisari, 2015). (a) Poverty that occurs in Indonesian society. The more they experience difficulties in economic problems, the more they dare to do everything they can to live a decent life, such as committing crimes. (b) Disharmonious family. Make them misbehave and go to places of crime. (c) Another driving factor is drug abuse.

The factors that led to the occurrence of victims of the crime of mugging in Medan City were internal factors: mentality, beliefs, education; and external factors: economy, association, drugs. The acts of mugging crimes that are increasingly troubling the public act without knowing the time and place. Almost every day there are acts of mugging and the victims range from teenagers, police, military, civil servants, journalists and the most sadistic are female victims. The thieves are also increasingly sadistic, they injure their victims without the slightest resistance. Then the crime of mugging using sharp weapons is increasingly common in the jurisdiction, especially the big city resort police of Medan (*Polrestabes*).

The mugging tragedy that has occurred is that two groups of motorbike muggers not only glanced at the motorbikes they wanted to take from their victims, but also their property, such as gold and cash. They often act in a number of locations in Katamso, Krakatau, Denai and Bromo. According to police records, the two sadistic thieves have crippled their victims 6 (six) times. When they act, they first slash their victims using a sharp weapon and then take the victim's valuables. After receiving medical treatment from the hospital, the police immediately escorted the two suspects to the Medan Police Resort, to undergo a legal process by imposing a 12-year prison sentence under Article 365 of the Criminal Code paragraph (2).

3. The Reasons for Women as Victims in Mugging Crimes

Victims in the Big Indonesian Dictionary are people who suffer as a result of an incident. Victims are legal parties who experience physical or mental suffering, damage, injury or any form of loss, not only from a legal standpoint, but also from an economic, social, political or cultural standpoint. Victims of a crime are not always individuals or individuals, but can also be groups of people or legal entities (Lubis, 2017).

According to Nursariani Simatupang and Faisal, what is meant by victims are those who suffer physically and spiritually as a result of the actions of other people who seek to fulfill their own or other people's interests that conflict with the interests and human rights of the aggrieved party. While Law Number 31 of 2014 concerning the protection of Witnesses and Victims states that a victim is someone who experiences physical, mental suffering and economic loss as a result of a crime. The definition above is: (a) Individual victims or individual victims (primary victimization) (b) Victims who are not individuals, for example an agency, organization, institution.

In general, victims are individuals or groups who suffer physically, mentally and socially because of crimes, victims can even suffer from prolonged trauma if they report the actions of the perpetrators of crimes and provide testimony against the perpetrators of crimes in court.

According to a survey by one agency, the crime rate in Medan City is very high, in fact this city is called the most unsafe in the country, beating Jakarta, Surabaya, Bandung, Makassar and other cities. Of the many victims of crime, it is the women who suffer the most. Recently a woman in Medan City was admitted to the ICU of a hospital. He is suspected of being the victim of a mugging on Jalan Flamboyan Raya, Tanjung Selamat, Medan City. From the information obtained, the

woman's name was Niken Pamela. In that incident, the thieves failed to seize the motorbike on which the victim was riding. However, as a result of the actions of the muggers, the victim fell off his motorcycle until he was unconscious. According to information, the victim suffered bleeding in the brain and fractured right collarbone. Meanwhile, the thieves fled after local residents who heard the motorcycle fall came to the scene(Hadhiningtyas, 2022).

Women are more likely than men to become victims of crime because they experience anxiety and fear more quickly. So the reasons that cause women to become victims of mugging crimes are: (a) Weak Physical, 2. Lack of Experience, 3.Lack of Knowledge. There are many factors and reasons why women often become victims of violent crime and even mugging to the point of sexual orientation, as happened recently, namely breast mugging. In addition to differences in sexual shape and organs, women and men have different perspectives in terms of releasing their biological satisfaction. There are many other reasons that make women victims of mugging crimes, but most of them are due to these reasons, so that there are many female victims in Medan City.

4. The Efforts to Overcome the Crime of Mugging in Medan City by Law Enforcement

Our country has a state agency (police) whose one of its duties is to maintain public order and security, enforce the law and provide protection to the public. The role and function of the police in realizing a just and prosperous society that is evenly distributed materially and spiritually based on Pancasila and the 1945 Constitution in the container of the Unitary State of Indonesia which is independent, united and sovereign and has people's sovereignty in an atmosphere of national life that is safe and orderly world friendly and peaceful environment. Police services to the community, namely by receiving reports and complaints of any kind(Muin, 2022)(Hartono et al., 2021).

Efforts made by the police to eradicate mugging in Medan City to minimize or eradicate mugging crimes do not only apply in Medan City, but also in other areas. And this effort is expected to be the first step to eradicate mugging crimes that occur not only for women but also for all people in order to create an environment that is safe and free from threats. The efforts are as following (Hendriawan et al., 2017)(Widodo & Faridah, 2020): (a) Conducting Patrols. (b) Operations for Controlling Completeness of Motorized Vehicles (Sweeping). (c) Outreach to Students and Society. (d) Developing Investigations through the Statements of Motorbike Muggers.

Law enforcement carried out in Medan City is carried out through efforts to prevent, eradicate and take action, therefore the role of investigators is very important in overcoming criminal acts of seizure and theft of motorized vehicles by force, given the high number of crimes that have occurred in society in recent years. especially in the surrounding legal area of Medan City. Cases that occurred in the jurisdiction of the Medan City Polrestabes for the past 3 (three) years stated that the number of violent motorcycle theft crimes was quite high. Even though the Medan City Polrestabes is trying to reduce the number of crimes in its jurisdiction, in reality cases of violent motorbike snatching tend to still show quite high numbers. This situation is very concerning, given the occurrence of unrest in the community as victims of these crimes. The obstacles experienced by the police in tackling the victims of the crime of mugging are broad areas; cross-regional actors; victims do not report or report less quickly; the community is less responsive and cooperative; Polrestabes personnel are less fast and responsive(Situmorang et al., 2020).

But even though the law must still be upheld, because the law functions as the protection of human interests so that human interests are protected, the law must be implemented. The implementation of the law can take place normally, if it is violated it must be upheld. It is through law enforcement that this law becomes a reality. In upholding the law, there are three things that must always be considered, namely legal certainty (rechtssicherheit), legal benefits (zweckmassigkeit) and legal justice (gerechtigkei).(Dewi, 2019)(Widodo & Faridah, 2020).

5. The Legal Protection for Women Victims of Mugging Crimes in Medan City

Legal Protection for Women Victims of Mugging Crimes in Medan City. Legal protection consists of the words "protection" and "law". While protection means conservation, maintenance, guarding, shelters, and bunkers. Legal protection is always associated with the concept of rechtsstaat and the rule of law. The idea of the two concepts is to provide recognition and protection of human rights through an independent and impartial judiciary (Apriani & Pura, 2020) (Laoly & Malau, 2020) (Lubis, 2017).

Some elements of protection words: (a) Protect: so as not to be seen, take care of, maintain, take care of, save. (b) Protection: the process of the way, the act of shelter, the thing (act) of protecting (making or causing shelter). (c) Protection: the person who protects, the means to protect. (d) Covered: something is covered so that it is not visible. (e) Protection: the protected, the place of refuge, the act. (f) Shelter: cause to shelter. (g) Protect: make yourself protected.

In Article 1 point 8 of the Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims it states that Protection is all efforts to fulfill rights and provide assistance to provide a sense of security to Witnesses and/or Victims which must be carried out by LPSK or other institutions in accordance with the provisions of this Law. Protection given to victims or witnesses can be given at the stage of investigation, investigation, prosecution and/or examination in court, on the basis of initiatives from law enforcement officials, security forces, and/or requests submitted by victims (Indonesia, 2014). Based on the above understanding, what is meant by legal protection is a form of service that must be carried out by law enforcement officials or security forces to provide a sense of security, both physical and mental, to victims and witnesses of threats, harassment, terror and violence from any party who given at the stage of investigation, investigation, prosecution.

With legal protection from the LPSK, the guarantee for the sense of security for witnesses and victims becomes even stronger. Legal protection for witnesses and victims so far has been based on the Criminal Code as a source of material law, using the Criminal Procedure Code as procedural law. However, the Criminal Procedure Code regulates more about suspects than about witnesses and victims. The position of witnesses and victims also seems to be not optimal compared to that of the perpetrators. Another form of legal protection that can be given to victims is through the provision of compensation, retribution and rehabilitation as stipulated in Government Regulation Number 44 of 2008 concerning Provision of Compensation, Retribution and Assistance to Witnesses and Victims (Laela et al., 2021) (Indonesia, 1981).

The Criminal Procedure Code regulates the sharing of rights of suspects or defendants, and the victim should receive protection, including the fulfillment of the victim's rights. And these rights must also be obtained by women as victims of mugging crimes in Medan City. To find out the victim's rights legally, it can be seen in legislation, one of which is Law Number 31 of 2014 concerning the Protection of witnesses and victims, found in Article 5 paragraph (1) which regulates the rights given to victims. And of the many victims' rights, not all of the victims' rights in Medan City could be fulfilled, only a few were obtained in accordance with the conditions and seriousness of the victims in reporting them and trying to seek justice as fairly as possible. As for the legal protection for victims of criminal acts of mugging in Medan City is to obtain justice and fair treatment; entitled to restitution, compensation and assistance. Basically most of the rights obtained by victims of mugging are compensation, restitution, medical assistance, both psychosocial rehabilitation and psychological rehabilitation. The medical assistance in question is assistance provided to restore the victim's physical health, including carrying out arrangements in the event that the victim dies, for example managing the body up to the funeral (Indonesia, 2008)

As we all know, victims have an important role in resolving legal issues. they are people who hear, see, or experience the occurrence of a crime themselves(Siregar, Gomgom T.P., Silaban, 2020). So, with this status, information is needed in an effort to find and find clarity about crimes committed by criminals, especially criminal acts of mugging in Medan City. The victim's statement is one of the valid pieces of evidence in the judicial process. It is also one of the main considerations for judges in finding facts, in order to obtain the fairest possible decision in court proceedings(Tuage, 2013).

It is not impossible when a witness or victim does not dare to provide genuine information or pretends not to know what actually happened, due to acts of terror/threats from certain parties, either in the form of physical or psychological threats that befell him/her, family or property. The issuance of Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims is one of the solutions provided by the government in solving legal problems in Indonesia. One of them is the establishment of a special institution that has the duty and authority to provide protection and the rights of victims at all stages of the criminal justice process(Kenedi, 2016).

The special institution referred to by law is the Witness and Victim Protection Agency (LPSK). The LPSK is domiciled in the capital city of the Republic of Indonesia and opens up the possibility of having representatives throughout the country as needed and currently the LPSK is in Medan City, North Sumatra Province. This institution is seen as important, because the wider community views that it is time for victims to be given protection in the justice system. The role of the victim in every criminal case trial is very important because often witness testimony can influence and determine the tendency of the judge's decision(Komariah, 2015)(Apriani & Pura, 2020).

The success of a criminal justice process is highly dependent on the evidence that was successfully uncovered or raised in court, especially witnesses who are an important factor in disclosing and proving facts that will be used as a reference in finding other evidence to strengthen an investigation, investigation and proof in court. Witnesses and victims are expected to be able to explain the sequence of events related to an event that is the object of examination before the court. Witnesses and victims along with other evidence will certainly help the judge make a fair and objective decision based on the legal facts disclosed(Lubis, 2017).

6. Preventive Protection Efforts Against Violence to Women as Victims of Mugging Crimes

Preventive legal protection efforts aim to prevent violence and crimes against women. The efforts that can be made for legal protection according to Harkristuti Harkriswono, as following (Suryamizon, 2017): (a) Re-arrangements regarding acts of violence against women in statutory provisions, so that they can include many behaviors that have not been covered in statutory regulations until now. (b) Enforcement of legal provisions that provide special protection for women who are victims of acts of violence, which at a minimum contain: 1) The right of women to receive protection from the authorities, for behavior that may be committed by the perpetrator reported by the victim; 2) The right of women to get medical, psychological, legal, social assistance, especially to restore their self-confidence; 3) The right of the victim to receive compensation for the loss he has suffered, both from the government as an organization that is obliged to provide protection for his thorns. 4) The right of the victim to obtain information regarding the progress of the case and the judge's decision; 5) Establishment of a national-scale institution to accommodate women who are victims of violence. 6) Conduct training for law enforcement officials regarding acts of violence against women, including training them to be more sensitive to this problem. 7) public education to make people aware of their rights and the position of women in society, and to specifically explain the special rights of women who have experienced acts of violence.

The right action for the perpetrators of mugging is to hunt down the perpetrators of mugging immediately and as quickly as possible and create a deterrent effect on the perpetrators in

accordance with statutory regulations. If necessary, they will be shot directly at the scene if they are caught committing a mugging. so that robbery cases or mugging will be decreasing in Medan City.

IV. CONCLUSION

Legal protection for women as victims of the crime of mugging in Medan City is urgently needed so that victims get justice and can carry out their normal activities again. Protection from the police is to receive reports quickly and accurately without choosing victims, provide security and care for victims, carry out sincere and disciplined investigations into cases experienced by victims of mugging, cooperate well in finding perpetrators of crimes to be tried. Protection from the Court provides support for protection in court proceedings, informing court results. Protection from the LPSK is to open up the possibility of compensation/compensation rights which are the responsibility of the perpetrator and the right of restitution for the victim. Protection from the public is to immediately help the victim of mugging together as soon as possible from muggers and to report as soon as possible to the authorities if they see incidents of mugging wherever they are.

Many parties should be held responsible for this heinous crime. To get this protection, the victim, either on his own initiative or at the request of the authorized official, submits a written application to the LPSK, then the LPSK immediately conducts an examination of the application submitted, and the LPSK will assist the victim in reporting to law enforcement so that the incident is concealed to find the perpetrator, so that the perpetrator does not run away from his crime, then the victim will be given assistance in the form of restitution, compensation; and other help. Therefore it is recommended for victims to be vigilant when driving at night, especially for women alone. And for law enforcers such as the Police, Prosecutors' Office, Judiciary, and also prison officers, all must unite to achieve what is called the Integrated Criminal Justice System, especially from the Police as law enforcers who have been given authority by law. to eradicate criminal acts of mugging that are rife in Medan City. So that law enforcement against this mugging crime is really effective in increasing security and for victim protection agencies that help victims to be quick and responsive in accompanying victims until they really get justice, feel safe and are not traumatized in living their lives.

References

- Apriani, N. A., & Pura, M. H. (2020). Perlindungan Hukum Saksi Dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban (LPSK). *Justicia Sains: Jurnal Ilmu Hukum*, 5(2), 229. <https://doi.org/10.25157/jigj.v3i2.421>
- Dewi, Y. C. (2019). *Tinjauan Kriminologi Tentang Kejahatan Begal Yang Menggunakan Senjata Tajam (Studi Di Wilayah Hukum Polresta Medan)*. FAKULTAS HUKUM UNIVERSITAS MUHAMMADIYAH SUMATERA UTARA.
- Hadhiningtyas, S. (2022). *Terjatuh Saat Dibegal , Wanita di Medan Alami Pendarahan Otak*. VOI.Id. <https://voi.id/berita/222389/terjatuh-saat-dibegal-wanita-di-medan-alami-pendarahan-otak>
- Hartono, Kalo, S., Hamdani, M., & Mulyadi, M. (2021). Peranan Kepolisian Dalam Penanggulangan Tindakan Kejahatan Pencurian Dengan Kekerasan (Begal) Di Wilayah Hukum Polsek Percut Sei Tuan. *Iuris Studia: Jurnal Kajian Hukum*, 2(No.2, Juni), 348–356. <https://doi.org/10.55357/is.v2i2.148>
- Hendriawan, Nurmala, W., & Alwan. (2017). Tinjauan Kriminologi Terhadap Tindak Pidana Pencurian Kendaraan Bermotor Roda Dua Dengan Kekerasan (Begal) yang Dilakukan Oleh Pelajar (Studi Kasus Polsek Delitua). *Jurnal Mahupki*, 01(1), 40.
- Indonesia, R. (1946). *Undang Undang No. 1 Tahun 1946 Tentang Kitab Undang-Undang Hukum Pidana (KUHP)*.
- Indonesia, R. (1981). *Undang-Undang Nomor 8 Tahun 1981 tentang KITAB UNDANG-UNDANG HUKUM ACARA PIDANA (KUHP)*. <https://jdih.mahkamahagung.go.id/index.php/legal-product/kitab-undang-undang-hukum-acara-pidana/detail>
- Indonesia, R. (2008). *PERATURAN PEMERINTAH REPUBLIK INDONESIA NOMOR 44 TAHUN 2008 TENTANG PEMBERIAN KOMPENSASI, RESTITUSI, DAN BANTUAN KEPADA SAKSI DAN KORBAN (LEMBARAN N)*. SEKRETARIAT NEGARA RI.

- Indonesia, R. (2014). *Undang-Undang Republik Indonesia Nomor 31 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 13 Tahun 2006 Tentang Perlindungan Saksi Dan Korban*.
- Ishaq. (2020). DASAR-DASAR ILMU HUKUM. In M. A. Prof. Dr. Yunasril Ali (Ed.), *Ilmu Hukum* (Edisi Revi). Sinar Grafika.
- Kenedi, J. (2016). Perlindungan Saksi Dan Korban. In *Jurnal Ilmiah Al-Syir'ah* (Vol. 7, Issue 1). <https://doi.org/10.30984/as.v7i1.64>
- Komariah, M. (2015). PERLINDUNGAN HUKUM SAKSI DAN KORBAN OLEH LEMBAGA PERLINDUNGAN SAKSI DAN KORBAN (LPSK). *GALUH JUSTISI*, 3(2), 229–245. <https://doi.org/http://dx.doi.org/10.25157/jigj.v3i2.421>
- Laela, F. I., Waruwu, R. P. R., & Adu, F. M. (2021). PERLINDUNGAN HUKUM WANITA KORBAN KEJAHATAN KESUSILAAN MENURUT LEMBAGA PERLINDUNGAN SAKSI DAN KORBAN. *Hukum Dan Keadilan*, 8(September), 173–187. <https://ejournal.stih-painan.ac.id/index.php/jihk/article/view/166>
- Laoly, A. Y., & Malau, P. (2020). Analisis Yuridis Perlindungan Hukum Terhadap Saksi Dan Korban Dalam Perspektif Perkara Pidana. In *Yurisprudencia : Jurnal Hukum Ekonomi* (Vol. 6, Issue 2).
- Lubis, R. O. (2017). *Perlindungan Saksi Dan Korban Menurut Hukum Islam Dan Undang-Undang Nomor 31 Tahun 2014 Tentang Perlindungan Saksi Dan Korban*. UNIVERSITAS ISLAM NEGERI RADEN INTAN LAMPUNG.
- Muin, A. (2022). Peran Kepolisian dalam Menanggulangi Genk Motor di Kota Makassar. *Indonesian Annual Conference Series*, 1(Proceedings of IACS-CSPC 2022), 47–50. <https://ojs.literacyinstitute.org/index.php/iacseries/article/view/553>
- Ong, P. V. (2021). Perlindungan Hukum Terhadap Perempuan Atas Kejahatan Kekerasan Seksual Begal Payudara. In *Serina III UNTAR 2021: Vol. III* (III).
- Purwati, A. (2020). *Metode Penelitian Hukum Teori dan Praktek* (T. Lestari (ed.); Kedua). CV. Jakad Media Publishing.
- Rezkisari, I. (2015). *Ini Tiga Faktor Pendorong Aksi Begal*. Republika.Id. <https://www.republika.co.id/berita/nknz50/ini-tiga-faktor-pendorong-aksi-begal>
- Silalahi, D. (2017). *Herri Zulkarnain: Faktor Ekonomi, Penyebab Maraknya Begal di Medan*. TOPMETRONEWS. <https://topmetro.news/24906/herri-zulkarnain-faktor-ekonomi-penyebab-maraknya-begal-di-medan/>
- Siregar, Gomgom T.P., Silaban, R. (2020). HAK-HAK KORBAN DALAM PENEGAKAN HUKUM PIDANA. In S. Suparmin (Ed.), CV. MANHAJI Medan (Pertama). CV. MANHAJI Medan. http://repository.darmaagung.ac.id/id/eprint/100/1/buku_hak_korban_dalam_perlindungan_hukum.pdf
- Siregar, E., Rakhmawaty, D., & Siregar, Z. A. (2020). Kekerasan Seksual Terhadap Perempuan: Realitas dan Hukum. *PROGRESIF: Jurnal Hukum*, 14(1), 1–14. <https://doi.org/10.33019/progresif.v14i1.1778>
- Situmorang, F. S., Rafiqi, & Munthe, R. (2020). Peranan Penyidik Dalam Menangani Tindak Pidana Perampasan Dengan Kekerasan Terhadap Pencurian Sepeda Motor (Studi Kasus Pada Polrestabes Medan). *JUNCTO: Jurnal Ilmiah Hukum*, 2(April), 132–143.
- Surbakti, F. M., & Zuliandi, R. (2019). Penerapan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Pencurian dengan Kekerasan. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 2(1), 143–162. <https://doi.org/10.34007/jehss.v2i1.58>
- Suryamizon, A. L. (2017). PERLINDUNGAN HUKUM PREVENTIF TERHADAP. *Marwah: Jurnal Perempuan, Agama Dan Jender*, 16(2), 112–126.
- Suwandi, H. (2017). *TINJAUAN TENTANG SEBAB-SEBAB KEJAHATAN BEGAL (Pencurian Dengan Kekerasan) YANG MENGGUNAKAN SENJATA TAJAM DAN UPAYA PENANGGULANGANNYA DI POLRES PROBOLINGGO (Studi kasus di Polres Probolinggo)*. University of Muhammadiyah Malang.
- Tuage, S. N. (2013). Perlindungan Hukum Terhadap Saksi Dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban (LPSK). *Lex Crimen*, II(2), 56–64.
- Widodo, K. L. P., & Faridah, H. (2020). Analisis Kasus Begal Sepeda Motor di Kota Kendari (Studi Kasus Putusan Nomor.308/Pid.B/2021/PN Kdi). *Panorama Hukum*, 126–138.