



FACTORS OF CRIMINAL BEHAVIOR AND CRIMINAL ACTION ON VIOLENT THEFT (BEGAL) IN MEDAN

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Abstract

This study aims to analyze the factors of criminal behavior and crimes against perpetrators of theft with violence (begal) in the city of Medan. In this study the authors use normative as a research method. As for the results, it was found that there are main factors that cause the number of violent thefts in the city of Medan, namely economic factors and drug factors. Furthermore, law enforcement is carried out against the rise of acts of theft with violence, namely by carrying out investigations, investigations, arrests, detentions, trials of public reports. Meanwhile, there are 4 efforts to prevent this crime by carrying out patrols, controlling the completeness of motorized vehicles (sweeping), outreach to students and the public and developing investigations through the statements of robbers.

Keyword: crime, crime, theft, violence.

I. INTRODUCTION

The crime rate in Medan has increased rapidly so that Medan has become one of the cities with emergency conditions against crime. Crime is behavior that harms society both physically and materially, whether it is formulated in law or not. In addition to crime, criminology also studies deviant behavior or behavior patterns that do not follow or are not in accordance with the values and norms that apply in society. As one of the human actions that deviate from the social norms of human life, crime is a social problem, namely problems in society, this is because the perpetrators and victims are also members of society.

The rise of acts of theft with violence endangers and unsettles the community. Crime is an act that violates the law and results in legal action that results in the perpetrator receiving sanctions. In society, perpetrators of theft with violence are called begal. According to the Big Indonesian Dictionary, begal is defined as a thief, while mugging is robbing on the street, then begging is the process, method, act of mugging or depriving on the street. So Begal is an act of robbery, robbery by force using a motorized vehicle and sharp weapons.

The crime of robbery in Medan was carried out by a group of teenagers who acted with the aim of stealing goods from other people by getting benefits according to expectations. In fact, begal is a form of theft that is developing in Medan. Where the act of robbery can be regarded as an act of theft crime which is accompanied by violence and can result in the loss of life for the victim of robbery. Begal is usually carried out in groups or two people by working together, each perpetrator has their own part of the task. The timing of the crimes they committed were classified as reckless because they were not late at night, but from 09:00 WIB - 12:00 WIB. Then 12:00 WIB until 15:00 WIB, 15:00 WIB



until 18:00 WIB. Then in the evening from 18:00: 00 WIB until 21:00 WIB. From the data obtained, they act not only on public streets, but also in residential areas.

Acts of theft with violence (begal) is very troubling people in Medan. Until now, there have been recorded cases of theft with violence or the robbery category in Medan, almost 400 cases in the early period of 2023 until now. As for the details, as many as 399 cases were reported. Of these, only 93 cases were revealed. Head of North Sumatra Regional Police Public Relations, Kombes Hadi Wahyudi said, this is temporary data on theft by violence which has been handled and reported to the Medan Polrestabes.

Currently, robbery in Medan is very disturbing and endangers the community. Therefore the government, police, security forces and the community have contributed in addressing the act of motorbike robbery. One alternative to tackling criminal behavior is by using criminal law to take action against every perpetrator. Where Criminal Law is an important tool in crime prevention or can be called a drug in eradicating crimes that are troubling and detrimental to society in general and victims. Prevention of these crimes can be done preventively (prevention) and repressive (enforcement). However, preventive efforts are not effective if we do not know what actually caused the crime to occur and what the reason is for someone committing a crime.

Prevention of crime has many perspectives, therefore, the goals and policies in this response include community protection to achieve security, peace, order, comfort and welfare of the community. As for providing protection to the public regarding the crime of robbery, one of which can be through the duties and functions of the Indonesian National Police. Based on Article 13 of Law Number 2 of 2002 that the main duties of the Police include maintaining security and public order, enforcing the law, providing protection, protection and community service. In addition to the prevention and efforts made by all parties who have authority in following up on the crime. That we have to investigate the root cause of someone being able to commit a crime. Research related to acts of theft with violence has been carried out by many earlier researchers, such as those conducted by Widodo, K and Faridah, H (2020) entitled Analysis of Motorcycle Begal Cases in Kendari (Case Study of Decision Number.308/Pid.B/2021 /PN Kdi) as for the results of his research there are several factors that cause people to commit acts of theft by violence (begal) because of the demands of life or economic factors. However, a crime is still an act that must be punished because it endangers other people to the point where it takes lives. Furthermore, research conducted by Lubis, M, et. Al (2021), entitled Law Enforcement by the Police Against Violent Theft Crimes in Medan (Study at the Medan Police), based on the results obtained in his research, it shows that the problems of the people of Medan against theft with violence, which are of concern to the author include factors The causes of violent theft in Medan are economic factors, environmental factors and drug factors.

Based on the background above, with the recent rampant cases of robbery in Medan it can be explained in the formulation of the problem in this study, including what are the factors that cause a person to commit the crime of theft with violence (begal) and how to enforce the law and prevent efforts against perpetrators of theft crimes with violence (begal) in Medan.

II. RESEARCH METHOD

In this study the research method used was normative, namely research that focused on the analysis of legal theories, legal principles and the Criminal Code. This research is a legal research method by examining library materials or secondary materials. The data analysis method is carried out by collecting data through a review of library materials or secondary data which includes primary legal materials, secondary legal materials and tertiary legal materials, both in the form of applicable laws and regulations, research results such as books, journals, theses, documents, and literature related to the problem to be studied.



III. RESULTS AND DISCUSSION

3.1 Factors Causing Someone to Commit Violent Crimes in Medan

Crime is a criminal act that results in a fatal punishment or sanction. That crime is a pattern of behavior that harms society both physically and materially, especially theft with violence or in today's terms, robbery, has become a crime that is quite prominent in various regions, especially Medan, which is a red zone for this crime. 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 robbery and violence using sharp weapons.

The factors that cause the crime of theft with violence are generally divided into two, the first are internal factors and external factors. Internal factors themselves are divided into 2, namely:

a) Biological factors

1) Born as a criminal (born criminal)

Based on the results of research conducted by Lambroso, this factor is divided into 4 groups, namely: i) Born criminals, namely people who adhere to the "atavism doctrine". ii) Insane criminals, namely people who become criminals as a result of not being able to distinguish between right and wrong because of changes in their brains, for example idiots, mentally retarded, or paranoid mental disorders. iii) Occasional criminal or criminoid, namely the perpetrator of a crime because of the opportunity and experience in committing a crime so that his personality is affected. iv) Criminal of passion, namely the perpetrators of crimes that arise due to desire or passion, for example because of anger, love, or because of honor.

2) Krechmer's physical type identifies four physical types, namely: a) Asthenic: thin and slender body, small shoulders associated with "schizophrenia" (crazy) b) Athletic: middle height category, strong, muscular, rough bones c) Pykinic: medium height category, well-built body shape, big neck, and broad face d) Mixed type that is not classified.

3) Brain dysfunction (learning disability)

4) Genetic factors

b. Psychological factors according to Batari Imawan, (2019) there are 4 factors namely, 1) Psychoanalytic theory 2) Mental disorder (mental disorder) 3) Moral development (development theory) 4) Social learning (social learning theory)

Furthermore, external factors themselves consist of two, namely environmental factors and economic factors. Thus the authors analyze the reasons why many teenagers in Medan commit acts of theft with violence based on the explanation above.

Based on the results of the author's analysis regarding the factors that cause the crime of theft with violence in Medan, the main thing is based on economic factors. This is caused by poverty, poverty is a problem that exists in every city, especially in big cities like Medan which is one of the metropolitan cities. Then the second is environmental factors. Crimes in the city of Medan, such as theft with violence, are caused by the influence of the family environment, community environment, and social environment with friends. And the third is the drug factor, this is because the perpetrator is addicted to drugs so they become addicted, when there is no money to buy drugs, the step chosen is to commit theft. Our body will naturally respond to drug use, especially drugs that are included in the group of "downers" in the long term extensively. Ferri in a book entitled "criminelle sociology" formulates: (Bram Alfredo Ginting, 2019). 1) Crime arises as a result of individual, physical and social conditions 2) Social conditions also influence crime, but the source comes from biological (organic and psychological) factors.



3.2 Law Enforcement and Prevention Efforts Against Violent Theft Perpetrators in Medan

The law functions as a 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 enforcing the law, there are three things that must always be considered, namely legal certainty (*rechtssicherheit*), legal benefits (*zweckmassigkeit*) and legal justice (*gerechtigkeit*).¹

Law enforcement must be carried out in an effort to eradicate crime and criminal cases, one of which is robbery which is troubling the people in Medan. Motorbike begal is a crime of motorcycle theft or violence using weapons. According to the law, theft is divided into five types, namely:

- a. Ordinary theft is regulated in Article 362 of the Criminal Code;
- b) Theft by weighting is regulated in Article 363 of the Criminal Code;
- c) Theft with violence is regulated in Article 365 of the Criminal Code;
- d) Theft in the family is regulated in Article 367 of the Criminal Code;
- e) Crimes Against Someone's Body and Life such as Persecution and Murder²

In the Criminal Code, theft consists of 6 articles starting from Article 362 up to Article 367. Article 362 as the basis for theft is usually defined as taking the property of another person, either partially or wholly to be owned by oneself or another person in a way against the law. In particular, Article 365 of the Criminal Code provides limitations on the approach of "begal" from theft because in robbery, before taking other people's property, the begal gives violence or threats of violence against people with the intention of facilitating or preparing for the theft. Like injuring the victim with a sharp weapon. This means that the criminal sanction for the perpetrator of the crime of stealing a motorbike using a sharp weapon in Article 365 is imprisonment for nine years and a maximum of 12 years if it is committed at night or on public roads. As a consequence, if the victim of the robbery dies, the perpetrator can be punished with a maximum sentence of 15 years to death or life imprisonment.

Other law enforcement is contained in efforts or countermeasures which are interpreted as efforts to prevent and reduce cases of theft with violence and increase the settlement of cases. Efforts to increase activities are more directed at repressive for preventive, by holding selective operations in addition to increasing other activities. Viewed from any angle, the crime of theft of violence must be eradicated and must not be allowed to run rampant, especially if the consequences are very dangerous to society or cause loss of life. To eliminate the crime of theft is only a fantasy, because as long as there are humans as social beings who have different interests, then before that there was still the name of the crime of theft.

The efforts that can be made by the police to eradicate rogue motorbike thieves such as carrying sharp weapons, namely:³

1. Doing Patrols.

One way to prevent unruly acts is with patrols. Currently the Mayor of Medan, Bobby Nasution, has launched 12 patrol cars that are quite sophisticated in eradicating car thieves, equipped with a number of advanced features. The car is also used to eradicate robbers who are increasingly sadistic in Medan. Quoted via liputan6.com North Sumatra Regional Police Chief, Inspector General Agung Setya Imam Effendi revealed that each unit will patrol 24 hours with four personnel who will be on

¹Yosicho Chintia Dewi. (2019). Criminological Review of the Crime of Begal Using Sharp Weapons (Study in the Legal Area of the Medan Police). Thesis Faculty of Law Muhammadiyah University of North Sumatra.

²Pebiyola Br Pandia, Yasmirah Mandasari Saragih SH, MH Suci Ramadani SH, MH Law Enforcement Against Perpetrators of Motorcycle Theft Using Sharp Weapons (Research Study at Pancur Batu Police). Thesis of the Faculty of Law at Pembangunan Panca Budi University, Medan.

³Hendriawan. (2017). Criminological Review of the Theft of Two-Wheeled Motorized Vehicles with Violence (begal) Committed by Students (Case Study of Delitua Police. Journal of North Sumatra Law



duty in two shifts. He also said that the car was equipped with a Hi-Res camera, internet network, connection to four satellites, to AI technology. Not only that, various weapons up to the long barrel were also prepared at the back. If necessary, his party will take measurable actions according to the procedure. From a criminological point of view, according to Alam AS (2010: 80), patrol activities carried out by police or police officers are preventive efforts, namely efforts that are emphasized to eliminate opportunities for perpetrators to commit crimes. That this patrol usually has a special police team to circle around and supervise areas/big cities who want to suspect.

2. Operation of Controlling Completeness of Motorized Vehicles (Sweeping).

In addition to patrols, this sweeping operation is also an effort that can be carried out by the Polsek/Polri apparatus. This operation is carried out to prevent and discipline traffic violations that occur from day to night. This operation also aims to secure motorized vehicles that do not have complete documents so that they are not suspected that they are stolen motorbikes. Whereas theories of crime prevention from a criminological perspective, sweeping activities carried out by regional police officers are both preventive and repressive efforts. Because prevention is a factor to emphasize the occurrence of crime rates such as robbery.

3. Outreach to Students and the community.

Efforts to socialize can also be carried out by the police to every school and community that has important goals. The purpose of outreach to students and the community is that they are given provisions from their youth on the widespread impact of crime, high crime and prevention or early prevention that committing criminal crimes and carrying sharp weapons has criminal/legal sanctions and social sanctions. The socialization held usually includes seminars and dialogues. In the concept of criminology, socialization activities for students are categorized as pre-emptive efforts. According to Alam AS, what is meant by pre-emptive efforts are efforts made by the police to prevent criminal acts from occurring through instilling values, good norms so that these norms are internalized within a person. Although there is opportunity to commit a crime but there is no intention to do so, then no crime will occur. So in a pre-emptive effort the intention factor will be lost even though there is a chance.

4. Developing Investigations through the Statements of Motorist Begal Perpetrators.

Furthermore, the main effort that can be done is to eradicate the chain of robbery gangs. This can be done to search for and obtain the most useful information is to dig up information from captured syndicate members. This information or information is used as a reference in the movement of the police to find out the names of the perpetrators who are members of the syndicate, find the hiding locations of the fugitives/locations that are the targets of the crimes the perpetrators carry out these actions. From a criminological point of view, the efforts made by the police through developing statements from motorbike robbers are a countermeasure theory called repressive efforts. According to US Nature What is meant by repressive efforts are actions taken when a criminal act/crime has occurred in the form of law enforcement by imposing penalties. Investigators can develop investigations through statements from motorcycle robbers who have been arrested. This will make it easier for the police to make an arrest. Whereas in Article 365 Paragraph (1), Paragraph (2) to 1 and 2 of the Criminal Code with the elements explained that:

- Each person;
- Take something that is wholly or partly owned by another person with the intention to own it unlawfully.
- It is preceded, accompanied or followed by violence or threats of violence against people with the intention of preparing or facilitating the escape of other participants or to keep possession of stolen goods which are carried out at night on public streets by two or more people.



In this case, there are still phasing efforts that prioritize technical functions or rigid forms of activity⁴

1. Preventive Efforts (Prevention)

This can be an attempt to establish a relationship from a negative side to a positive one so that it no longer endangers/disturbs the community. His efforts to carry out/hold positive activities for example in organizations, communities, youth organizations and so on.

2. Repressive Efforts (Enforcement)

Carry out coaching efforts for criminal acts such as robbery so that there is a deterrent effect or sanctions. Coaching is carried out for the perpetrators so that they do not commit crimes again. The police officers have taken action to arrest, detain the perpetrators and hold an investigation whether it is proven or not. If there is an element of the crime of theft with violence, a process will be held and it will be delegated to the prosecutor's office and will then be tried. And if proven guilty then sentenced by the judge. in penitentiary institutions (lapas) perpetrators are given guidance/guidance such as holding religious activities, counseling about the effects of crime and its sanctions, general educational activities, and carrying out activities that improve their skills and abilities as well as their talents such as sewing, handicrafts and so on. These efforts are made on the basis of repetition in order to minimize crime. That when they get out of prison they are able to continue their lives without having to commit crimes again.

IV. CONCLUSION

Based on the results of this study, the factors that are the main cause of someone committing theft with violence are economic factors and environmental factors as well as social factors with friends and drugs. This begins with the many perpetrators of theft with violence who are addicted to drugs so that they become addicted, when there is no money to buy drugs, the step chosen is to commit theft. Our body will naturally respond to drug use, especially drugs that are included in the group of "downers" in the long term extensively.

Law enforcement and prevention efforts have been made against the rampant acts of theft with violence, namely by carrying out investigations, investigations, arrests, detentions, trials of public reports. As explained above, the perpetrator can be subject to sanctions according to Article 365, namely imprisonment for nine years and a maximum of 12 years if it is committed at night or on public roads. As a consequence, if the victim of the robbery dies, the perpetrator can be punished with a maximum sentence of 15 years to death or life imprisonment. In addition, efforts to prevent the occurrence of the same crime are carried out by conducting patrols at vulnerable hours and points where these crimes often occur. The second is to carry out operations to control the completeness of motorized vehicles (sweeping). Then the third is to socialize students and the community, this is because it is students who are often involved as perpetrators of this crime, thereby carrying out socialization so that they do not easily fall into wrong associations. Then outreach to the community is carried out by telling them to reduce activities going out of the house in the early hours so they can avoid this crime. The last effort that can be done is to develop an investigation through the statements of motorbike thieves. By securing the gang or group of perpetrators of this crime, efforts can be made to reduce and even stop criminal acts in Medan Then outreach to the community is carried out by telling them to reduce activities going out of the house in the early hours so they can avoid this crime. The last effort that can be done is to develop an investigation through the statements of motorbike thieves. By securing the gang or group of perpetrators of this crime, efforts can be made to reduce and

⁴Soejono Soekanto. (1987). *Sociology An Introduction*. Jakarta: PT Rajawali Press page 42 .



even stop criminal acts in Medan Then outreach to the community is carried out by telling them to reduce activities going out of the house in the early hours so they can avoid this crime. The last effort that can be done is to develop an investigation through the statements of motorbike thieves. By securing the gang or group of perpetrators of this crime, efforts can be made to reduce and even stop criminal acts in Medan

REFERENCES

- Bataro Imawan, "Tinjauan Kriminologi Tentang Kejahatan Pemerkosaan Terhadap Anak", Skripsi Universitas Hasanuddin, Makassar. 2019.
- Bram Alfredo Ginting, "Peranan Polri Dalam Penanggulangan Pelaku Tindak Pidana Pencurian Dengan Kekerasan Yang Dilakukan Begal Atau Geng Motor", Skripsi Universitas Sumatera Utara, Medan. 2018.
- Hendriawan. (2017). Tinjauan Kriminologi Terhadap Tindak Pidana Pencurian Kendaraan Bermotor Roda Dua Dengan Kekerasan)begal) yang Dilakukan Oleh Pelajar (Studi Kasus Polsek Delitua. Jurnal Hukum Sumatera Utara
- <https://www.jpnn.com/news/aksi-begal-di-medan-sudah-sangat-meresahkan-dprd-minta-polisi-bertindak-tegas>
- <https://www.liputan6.com/news/read/5352444/dukung-bobby-nasution-berantas-begal-polda-sumut-siapkan-12-unit-mobil-patrol>
- <https://umsu.ac.id/berita/medan-darurat-begal-begini-tanggapan-wali-kota-medan-bobby-nasution/>
- Lubis, M, et. Al (2021). Penegakan Hukum Oleh Kepolisian terhadap Tindak Pidana Pencurian Dengan Kekerasan di Kota Medan (Studi Di Polresta Medan). Jurnal Pencerahan Bangsa (Hukum, social dan ekonomi)
- Pebiyola Br Pandia, Yasmirah Mandasari Saragih S.H., M.H. Suci Ramadani S.H., M.H. Penegakan Hukum Terhadap Pelaku Tindak Pidana Pencurian Sepeda Motor Dengan Menggunakan Senjata Tajam (Studi Penelitian Di Polsek Pancur Batu). Skripsi Fakultas Hukum Universitas Pembangunan Panca Budi Medan.
- Soejono Soekanto. (1987). Sosiologi Suatu Pengantar. Jakarta: PT Rajawali Press hlm 42 .
- Undang-Undang No. 1 Tahun 1946 Tentang Kitab Undang-Undang Hukum Pidana (KUHP).
- Undang-Undang No. 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia.
- Widodo, K dan Faridah, H (2020). Analisis Kasus Begal Sepeda Motor di Kota Kendari (Studi Kasus Putusan Nomor.308/Pid.B/2021/PN Kdi). Jurnal Panorama Hukum
- Yosicho Chintia Dewi. (2019). Tinjauan Kriminologi Tentang Kejahatan Begal Yang menggunakan Senjata Tajam (Studi Di Wilayah Hukum Polrestabes Medan). Skripsi Fakultas Hukum Universitas Muhammadiyah Sumatera Utara.