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 Kaligawe Rd KM 4, Central java

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER



Our Speaker



Prof. Henning Glasser
 Thammasat University



Prof. Yuzuru Shimada
 Nagoya University



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 UNSW Australia



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Assoc. Prof. Dr. Hj. Sri Kusriyah
 Sultan Agung Islamic University

*Democracy In Digital Era : Law,
 Governance, Sosial And Economic
 Perspective In Asia, Australia And
 Dutch*



September 23-24, 2020
 Imam Assafel Buiding, Faculty of Law, Unissula
 Kaligawe Rd KM 4 Semarang, Central Java

THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER

THEME : DEMOCRACY IN DIGITAL ERA: LAW, GOVERNANCE, SOCIAL AND ECONOMIC PERSPECTIVE IN ASIA, AUSTRALIA AND DUTCH

Keywords: *Digital Media, Political and Governance Institutions, Electoral Processes, People Representation, Digital Disinformation, Democracy, Digital Economic, Social issue*



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Melissa Crouch
UNSW Australia



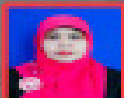
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2. The Committee will provide a Zoom ID 1 day before the seminar

OBJECTIVE

This agenda aims to provide insights in theory and practice:

1. To exchange and discuss views on the most important issues on Democracy in Digital Era: Law, Governance, Social and Economic Perspective in Asia, Australia and Dutch and its consequences to Law in countries.
2. To discuss the challenges and practical aspect of Democracy and Governance in a Digital Era.

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- **Abstract Submission** August 10th- Sept 05th 2020
- **Announcement** September, 06th 2020
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- **Conference and Presentations** September 24th 2020

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Chriminology Study Of Criminal Acts Of Administration Of Stolen Goods

Supriyono

MIH Unissula

Abstract

The criminal act of detention is an act that is prohibited by law, because detention is obtained from a crime, it can be said that it helps or facilitates the crime of the perpetrator can make it difficult for the investigation of the crime in question, in trying a defendant who has committed a criminal act of detention because he must first prove whether the defendant is correct. the approach method used in this research is sociological juridical. This research specification is descriptive analytical. Based on the results of the research, it can be concluded that the criminal act of detention from a criminological point of view shows that legal efforts for the crime are in the form of the first drafting of legislation (the criminalization process), namely the Criminal Code in Articles 480-482, criminal etiology or the causes of crime in the act. criminal detention, namely internal and external factors, and criminal prevention in criminal acts of detention in which efforts to combat the crime of detention of goods resulting from theft are used in the form of penalties indirectly as a reminder to the public.

Keywords: *Criminology, Criminal Offense, Stolen;*

A. Introduction

Indonesia is one of the developing countries in the world that carries out development in various fields. The efforts undertaken by this state include economic development, improvement of the public system, undertaking efforts to develop science and technology, and no less important is development in the field of law from year to year that endeavors for legal reform in accordance with the development and needs of society. As in the Constitution of the Republic of Indonesia, namely the 1945 Constitution of the Republic of Indonesia, has emphasized that Indonesia is a state based on law, this phrase is contained in Article 1 paragraph 3 of the 1945 NRI Constitution.¹ This emphasizes that the implementation of Indonesian state governance must always be based and in accordance with the will of law.

The fourth paragraph of the Preamble to the 1945 Constitution, which is the country's constitutional foundation, states that one of the goals of the state is to create general welfare and to educate the nation's life. This implies that public welfare is a constitutional ideal, accompanied by the growth of a smart Indonesian society capable of delivering the Indonesian nation as a sovereign and prosperous country.

One of the laws that plays an important role in regulating the interaction between humans is criminal law. Criminal law is all orders and prohibitions imposed by the state and which is threatened with a sorrow

1. Majelis Permusyawaratan Rakyat Indonesia, 2015, Undang-Undang Dasar Negara Republik Indonesia tahun 1945, Sekretariat Jenderal MPR RI, Jakarta, P.116.

(criminal) whoever does not obey it, all of the rules for imposing (imposing) and carrying out the crime.² Legal regulations that have existed in society are obliged to be obeyed because they affect the balance in every relationship between community members. Lack of legal awareness in society causes distrust between members of the community itself and distrust with law enforcement officials and the government. Especially with the difficult economic conditions of our country, resulting in the emergence of criminal cases that occur in the community because of the urgent necessities of life. Conditions that occur every day and are experienced by the community, for example, mugging, mugging, theft, robbery, assault, rape, murder, juvenile brawl, or better known as “street crime” or “street crime” is a challenge for the law enforcement process.

The law has become a Commander who determines what can be done and what cannot be done. The objective of the law is not only to impose criminal sanctions on people who have committed illegal acts that may occur, the law always tries to guarantee and protect the rights of individuals and society and protect the interests of the State. Crime will not disappear by itself, on the other hand, crime cases are increasingly occurring and the most dominant type is the type of crime against property, particularly those included in the criminal act of detention.

Law occupies the most urgent position to solve this crime problem. Legal instruments are needed to resolve conflicts or crimes that exist in society. One of the efforts to prevent and control this crime is to use criminal law with penalties in the form of penalties.³

Crime can be interpreted criminologically and juridically. Crime in a criminological sense is human action that tarnishes the basic norms of society. This is intended as an act of elements that violate the rules that live and develop in society. Juridical crime, namely evil behavior or evil deeds in the meaning of criminal law means that the crime is formulated in criminal regulations. The most common criminal problems in society are criminal acts against assets, such as theft, extortion, embezzlement, fraud, vandalism, and detention. One of the criminal acts against assets that is still often debated is the criminal act of detention originating from the proceeds of theft.

One thing that cannot be denied is that one of the causes of the increasing prevalence of criminal acts of theft which is very dominant is motor vehicle theft seeing motorized vehicles easy to be taken away as moving end and a fairly high selling price which is among them the increasingly rampant criminal act of detention of vehicles. motorized the loot. So that the perpetrators of motor vehicle theft do not find it difficult to market their stolen motor vehicles.

The criminal act of detention according to the French Penal Code, which is in accordance with most of the criminal laws of various European countries that were in effect in the 18th century, the act of holding objects obtained because of a crime is not seen as an independent crime or as a zelfstandig misdrijf, but as an act of helping to commit a crime or as a medeplichtigheid in a crime, namely by which the perpetrator can obtain objects obtained from the crime.⁴

Basically every human being has a background of committing illegal acts to meet the necessities of life in the material field, the number of crimes that arise in society, including crimes of theft, embezzlement, fraud, extortion and also crimes of detention of the results of theft Detention is defined as those who conspire, buy, rent, exchange, pawn, receive as gifts, bring or offer goods resulting from crimes and the perpetrators can be prosecuted to reduce crimes that occur in society, then the law plays an important role or limits

2. Moeljatno, 1982, Azas-azas Hukum Pidana, PT. Bina Aksara, Jakarta, P.7

3. Hari Saherodji, 1980, Pokok-Pokok Kriminologi, Aksara Baru, Jakarta, P.20

4. Lamintang, 2009, Kejahatan Terhadap Harta Kekayaan, Sinar Grafika, Jakarta, P.362.

human behavior. , where in law enforcement, namely the police apparatus to solve crimes or criminal acts of detention itself.⁵

The criminal act of detention is regulated in Article 480 of the Criminal Code, Articles 481 and 482 of the Criminal Code. The criminal act of detention is an act that is prohibited by law, because detention is obtained from a crime, it can be said that it helps or facilitates the crime of the perpetrator can make it difficult to investigate the crime concerned, in trying a defendant who has committed a criminal act of detention because he must first prove whether the defendant is really committing a crime because the criminal goods are obtained from the proceeds of crime as well and the detention here becomes the second perpetrator in terms of its implementation, then the authorities must first provide whether a person is able to be held accountable in other words, there is an element of error and deliberation.⁶

With the existence of this restraint, the criminal act especially against property can increase and develop, even with the detention of people who originally did not want to commit a crime but with the presence of restraint, there will be a desire for someone to sell, rent, exchange, pawn goods to custodians and get profit. although the way this is done is by breaking the law. With the existence of a collector, it will make it easier for people who commit crimes where the collectors help to distribute objects that are the proceeds of crime or help the perpetrators of criminals to gain profit on objects that are the proceeds of the crime committed. As has been said before, that humans cannot live alone in everyday life, of course we will interact with the layers of society where we are. The purpose of this study is to analyze in criminological reviews in the criminal act of confiscation of stolen goods.

B. Research Methods

The approach method used in this research is the sociological juridical method, that in addition to using legal principles and principles in assessing, viewing, and analyzing problems, this study also examines how it is implemented in practice.⁷ This research is an analytical descriptive study, because the researcher wants to re-describe or explain the subject and object of the study, which is then analyzed and finally conclusions are drawn from the research.⁸

C. Results and Discussion

1. Efforts to Overcome Criminal Acts Of Detention In Criminology

The whole science that discusses matters related to each other's crimes which were previously separate data is combined into a systemic unanimity called criminology. This is why people say criminology is a science that deals with crime. Thorsten Sellin stated that criminology a king without a country (*a king without a territory*).⁹ The benefit of studying criminology is that criminology contributes to the preparation of new legislation (*Criminalization Process*), explaining the causes of crime (*Criminal Ethology*) which in turn creates efforts to prevent crime.

Sutherland revealed about crime, according to him, crime means a behavior that is prohibited by the State because it is detrimental to it, the State reacts with punishment as an effort to prevent and eradicate it. Wolfgang divides criminology as an act known as a crime, the perpetrator of the crime, and the reactions shown

5. Agung Pratama Armawinata, 2015, Efektivitas Pasal 480 KUHP dalam putusan pengadilan terhadap tindak pidana penadahan kendaraan bermotor, Universitas Negeri Gorontalo, P.2.

6. Sholehudin, 2004, Sistem Sanksi Dalam Hukum Pidana (Ide Dasar Doule Traçj Sistem dan Implementasinya), PT Raja Grafindo Persada, Jakarta, P.71.

7. Ronny Hanitijo Soemitro, 1990, Metodologi Penelitian Hukum dan Jurimetri, Ghalia Indonesia, Jakarta, P.33

8. Mukti Fajar ND dan Yulianto Achmad, 2010, Dualisme Penelitian Hukum Normatif dan Empiris, Pustaka Pelajar, Yogyakarta, P.183.

9. Simandjuntak, B dan Chaidir Ali, 1980, Cakrawala Baru Kriminologi, Tarsito, Bandung, P.9

both to the act and to the perpetrator.¹⁰

The scope of criminology is the process of legislation, violations of legislation and reactions to violations of legislation. According to the U.S. Alam argues that the scope of the discussion of criminology includes three main points, namely as follows:

- a. The process of making criminal law and criminal procedure;
- b. Criminal etiology, which discusses the theories that lead to crime;
- c. Reaction to breaking laws (reacting toward the breaking laws). Reactions in this case are not only aimed at lawbreakers in the form of repressive actions but also reactions to potential offenders in the form of crime prevention efforts. (*criminal prevention*).¹¹

The definition of crime according to Kartono is that in formal juridical terms, crime is a form of behavior that is contrary to human moral (immoral), is a society, is asocial in nature and violates the law and criminal law. According to sociological crimes, all words, actions and behavior that are economically, politically and psychologically very detrimental to society, violate moral norms, and attack the safety of community members (both those covered by law, and those that have not been included in the criminal law).¹²

Donald R. Taft revealed that crime is an act that violates criminal law (a crime is an act forbidden and made punishable by law). Practical crimes are violations of religious norms, habits, morals that live in society. Religious crime is a violation of God's commandments (sin). A juridical crime is any act or negligence that is prohibited by public law in order to protect the public and is punished by the state and is clearly established in the state criminal law. These three definitions of crime according to criminology because criminology is broader than criminal law.¹³

There are various types of crimes in social life depending on the target of the crime. As stated by Mustofa, the types of crime according to the target of the crime are crimes against the body (murder, rape, assault), crimes against property (robbery, theft, fraud, detention), crimes against public order (drunkenness, gambling), crimes against security. country. A small part of the increase in crime in society is due to several external factors, mostly due to the inability and unwillingness of people in society to conform to the norms prevailing in society.¹⁴

The scope of criminology as suggested by Edwin H. Sutherland and Donal R Cressey: starting from the view that criminology is a unity of knowledge about crime as a social phenomenon, suggests the scope of criminology which includes:

- a. Law-making processes;
- b. Law violation; and
- c. Reaction to lawlessness.¹⁵

Crime has been known since human civilization. The higher the civilization, the more regulations, and the more violations. It is often said that crime is a shadow of civilization. Crime is a shadow of civilization. Evil brings suffering and sorrow, sheds blood and tears. The trafficking of narcotics has crushed the future hopes of millions of teenagers. White-collar crime causes damage to nature and the environment

10. Wahyu Muljono, 2012, Pengantar Teori Kriminologi, Pustaka Yustitia, Yogyakarta, P. 35.

11. Alam A.S, 2012, Pengantar Kriminologi, Pustaka Refleksi Books, Makassar, P.2

12. Kartini Kartono, 2005, Patologi Sosial, Raja Grafindo Persada, Jakarta, P. 126

13. Deni Achmad dan Firganefi, 2016, Pengantar Kriminologi dan Viktimologi, Justice Publisher Badan Penerbit Fakultas Hukum Universitas Lampung, Bandar Lampung, P.20

14. Muhammad Mustofa, 2005, Kriminologi: Kajian Sosiologi Terhadap Kriminalitas, Prilaku Menyimpang, dan Pelanggaran Hukum, Fisip UI Press, Jakarta, P. 47.

15. Mulyana W. Kusumah, 1988, Kejahatan dan Penyimpangan, YLBHI, Jakarta, P. 3

which in turn causes flooding, prolonged drought, and ultimately results in loss of life, damage to property and innumerable losses and in criminal detention, material adverse effects on victims that are relevant to criminology in viewing the criminal act of detention as a continuation of a criminal act of theft.

Criminology contributes to the drafting of new legislation (the process of criminalization), explaining the causes of crime (criminal etiology) which in turn creates criminal prevention efforts. It cannot be denied that criminology has brought immeasurable benefits in reducing human suffering, and this is the main purpose of studying criminology.

In this case, the criminal act of detention is the author's concentration in the study in terms of criminology. The criminal act of detention has been regulated in Chapter XXX of book II of the Criminal Code as a facilitating crime. According to Prof. Satochid kartanegara, the criminal act of detention is a criminal act of simplicity, namely because the act of defacing has encouraged others to commit crimes that they might not have committed if no one was willing to accept the proceeds of crime.¹⁶

In the terminology of criminal law, detention is an act that deliberately obtains profit from goods originating from a crime, by buying, selling, renting, receiving pledge, pawning, transporting, storing goods.¹⁷

Meanwhile, the definition of detention according to Article 480 of the Criminal Code:

1. Any person who buys, offers, exchanges, accepts a pledge, receives as a gift, or because he wants to make a profit, sells, exchanges, pawns, carries, keeps or hides, rents an object, which is known or reasonably presumed to have been obtained from a crime;
2. Anyone who takes advantage of the yield of an object of which he knows or should presume that it has been obtained from crime.

Detention is the last part of a crime against assets contained in Chapter XXX of the Criminal Code, concerning offenses providing assistance after a crime has occurred. Adoption acts almost always to enrich oneself with one or another which cannot be permitted, thus taking advantage of the crimes committed by others. Detention is always related to goods "obtained from crime" and is one of the crimes against property.

In Article 481 of the Criminal Code regarding detention as a livelihood reads:

1. Any person who makes it the custom to knowingly buy, accept a pledge, keep or hide goods obtained from a crime, shall be punished by a maximum imprisonment of seven years;
2. The guilty person may be deprived of the right to conduct the search in which the crime was committed. Habits, according to Hoge Raad, February 11, 1991, are based on repetition of actions within an appropriate period of time.¹⁸

To become a perpetrator of a criminal act of detention, you do not have to wait for the thief to be tried first. In this case, if it is deemed sufficient, with evidence that a person has been stolen and the goods are in the custodian, the perpetrator will be able to be tried. The criminal act of detention which is carried out after completing a crime against assets, namely regarding an item obtained from a crime is usually considered to facilitate or help the crime. Merely the perpetrator of the crime hopes that the goods that have been stolen, seized, embezzled, or obtained by fraud, or are being held by a collector will make it difficult to investigate the crime concerned. thus the perpetrator of the crime will easily repeat his actions to acquire goods by means of a crime. This explains that the criminal act of detention from a criminological point of view shows

16. P.A.F. Lamintang, 2009, Delik-delik Khusus Kejahatan Terhadap Harta Kekayaan, Sinar Grafika, Jakarta, P.362

17. Andi hamzah, 2009, Terminologi hukum pidana, Sinar grafika, Jakarta, P.151

18. Andi hamzah, 2010, Delik-delik tertentu (special delicten) di dalam KUHP, Sinar grafika, Jakarta, P. 133

legal remedies for the crime.

1) Preparation of legislation (criminalization process)

In the criminalization process in the form of legal products created, it can be seen in the laws governing the criminal act of detention regulated in the Criminal Code in Articles 480-482 with the following forms of detention.:

1) Detention in basic form (Article 480 of the Criminal Code);

Article 480 of the Criminal Code is regulated as follows:

With a maximum imprisonment of four years or a maximum fine of Rp. 900, - was punished;

1. Because as an collaborator, whoever buys, rents, exchanges, accepts a pledge, receives a gift or because of profit, keeps or hides something that he knows or thinks he has obtained for a crime;
2. Anyone who takes advantage of the results of something which he knows or should reasonably think was obtained because of a crime.¹⁹

2) Detention as a habit (Article 481 of the Criminal Code);

Article 481 of the Criminal Code as followst:

- a. Anyone who makes a habit of deliberately buying, exchanging, accepting a pledge, keeping or hiding objects obtained as a result of a crime, is sentenced to a maximum imprisonment of seven years;
- b. The wrong doer can be revoked as mentioned in Article 35 No. 1 - 4 and may be fired from carrying out the job used to commit the crime (Criminal Code 35, 480, 486, 517).²⁰

3) 3) Light detention (Article 482 of the Criminal Code);

Article 482 of the Criminal Code is regulated as follows:

The act described in Article 480 is punished as light custody, with a maximum imprisonment of three months or a maximum fine of Rp. 900, -, if the goods were obtained because of one of the crimes, which is described in Articles 364, 373, 379.²¹

2) Causes of crime (criminal etiology)

Crime is a social phenomenon that must be carefully addressed and thought out its handling, not only through legal channels (especially criminal law), it does not stop only when the perpetrator has been convicted. It must be critically studied how the processes underlying the occurrence, what are the conducive factors that make it so, who plays a role in labeling a person as a criminal, how legislation is a powerful tool in the hands of rulers or wealthy groups who guarantee the validity (validity) of their actions and take issue with the powerless group, and various similar questions must be asked as a critical analysis in order to avoid narrowattitudes that solely base the occurrence of crime in a classical or positive perspective.²²

Someone doing an action, whether it is good or bad, is because of something that drives him to

19. R.Soesilo, 1996, Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentar Lengkap Pasal Demi Pasal, Politeia, Bogor, P.314

20. Ibid, P.316

21. Ibid, P.316

22. Mompong L. Panggabean, Membangun Paradigma Kriminologi di Indonesia, Majalah Hukum Trisakti, Nomor 29, Tahun XXIII, Oktober, 1998.

act. Whether it's a gesture of the heart, or because of other people's seduction or seduction, or because of certain situations that force it. In other words, it is motivation that often causes someone to take action or is accompanied by a specific purpose as is the case when we discuss or discuss why someone becomes a thief, which means that research will motivate someone to commit the crime of theft, it needs to be seen and analyzed in general that in This does not mean looking for which factors might be definite causal factors, but here it is just to explain that a certain factor will carry a greater or lesser risk in causing people to commit the crime of theft.²³

Based on the results of the interview with Makmurin Kusumastuti, the factors that led to the crime of arresting the results of theft were due to internal and external factors;

a. Internal factors

Mental or intelligence factors

Mental factors are related to the level of intelligence. If someone has a good level of intelligence then of course that person can easily adapt himself to the circumstances and development of society. On the other hand, if the level of intelligence is low, then the person concerned is unable to seek and find the best way and is no exception to doing deviant actions and contrary to the prevailing legal rules. Judge Makmurin Kusumastuti stated that on average the perpetrators of detention crimes were committed by those with low education. In cases that are often found in case titles at the Blora District Court, detention crimes with objects of motorized vehicles.²⁴

b. External Factors

a. Environmental factor

In committing a crime, a person depends a lot on his socialist relationship in the society concerned, namely by looking at the structural conditions that exist in society. Although there is a possibility that man himself consciously chooses a deviant path as his way of solving its existence problem.

Even though a person originally comes from good descent, if the social environment in the community where he lives is the environment where the perpetrator of the crime is not impossible, so he too is carried away to commit crimes. one of the reasons a person commits a crime is the condition of the environment in which that person is. A person can be a criminal not only from poor families but also from rich families. Generally, people who commit crimes come from bad environments.

Crime is a social phenomenon that does not stand alone but has a correlation with various developments in social, economic, legal and technological life as well as other developments as a negative side effect of any progress or social change in society. So it is

23. Interview Results with Makmurin Kusumastuti, SH, MH, Blora District Court Judge, on January 8, 2020

24. Interview Results with Makmurin Kusumastuti, SH, MH, Blora District Court Judge, on January 8, 2020

the community and environmental factors that are very influential on a person in relation to the crime he / she commits because the crime originates from society and society itself will bear the consequences, both directly and indirectly. Therefore, to seek the causes of evil is in the life of society and the environment itself.

b. Economic Factor

Human life is inseparable from the economy, both those who live in rural areas and in urban areas, because of economic pressure and lack of education, someone without a job is still difficult to get a decent income to support his life, so the easiest way is to commit theft or steal. Coupled with the nature of human consumerism in spending money, the attractiveness of a city that displays a variety of fashions, attracts a person to follow the existing fashion, without first measuring the economic capacity of his parents and himself. The existence of a striking difference between the rich and the poor is also a driving factor for theft.

Another factor is the economy due to the difficult economic situation which results in the minimum number of good jobs for people who are supposed to be in the workforce, so that to fulfill their needs is very difficult, this results in a person taking a shortcut by committing the crime of theft.

Likewise happens to people who carry out restraint, in order to seek large profits so that they commit acts against the law. For those who do not have good education and skills, it is difficult to compete in getting a decent job. So that in the end they become unemployed. As for surviving without money and jobs, the easiest way to do this is to steal and then sell it to people who are willing to collect stolen goods.

2. Efforts to prevent detention crimes

Based on the scope of the third criminology, namely the efforts to prevent the occurrence of crime (criminal prevention) in criminal acts of detention in which efforts to control the crime of holding goods resulting from theft are used in the form of penalties indirectly serve as a reminder to the public that the retention of stolen goods is a criminal act and the impact of criminal liability that must be faced when committing such acts.

Enforcement of criminal law is the duty of law enforcement officers who are members of the criminal justice system. According to Purpura, the criminal justice system is a system consisting of the police, prosecutors, courts and correctional institutions. The purpose of this criminal justice system is to protect and maintain public order. controlling crime, carrying out the arrest and detention of the perpetrator and punishing the culprit. The performance of the system components as a whole can provide legal protection for the rights of the accused.²⁵

The application of criminal law as one of the policies to tackle the crime of detention of goods resulting from theft can be carried out starting from the stage of the investigation and prosecution process (pre-adjudication stage) before the case is examined and tried in the judicial process. Sentencing to the

²⁵. Philip P. Purpura, 2008, *Criminal Justice an Introduction*, Pustaka Bangsa Press, Medan, P.152

perpetrator of the crime of detaining the results of this theft by the judge at the Court is a form of deterrence and at the same time as a form of guidance for the perpetrator so that the perpetrator does not repeat his actions after the perpetrator returns to the community.²⁶

Detention crime tends to have a habitual nature that exists in the community as a form of public interest in buying cheaper goods, which in fact stolen goods are sold at lower prices because the perpetrator wants to immediately transfer the stolen goods to someone else by producing sale value. In addition, people who do not understand a detention of stolen goods are included in a criminal act and there is a criminal article to ensnare the detainee.

This also correlates with the sociogenic theory of criminological theory where crime arises, the cause of pure sociological or social psychological evil behavior is the influence of deviative social structures, group pressure, social roles, social status, or wrong symbolic internalization. Evil behavior is formed by a bad and evil environment, less attractive school conditions and relationships that are not directed by moral and religious values. This theory reveals that the cause of crime is influenced by environmental factors, including family, economic, social, cultural, defense and security and technological inventions. This theory directs us that people have a tendency to commit crimes because of the process of imitating their surroundings or what is better known as the imitation process.

D CONCLUSION

The criminal act of detention from a criminological point of view shows that legal efforts for the crime are in the form of the first drafting of legislation (the criminalization process), namely the Criminal Code in Articles 480-482, criminal etiology or the causes of crime in the act. criminal detention, namely internal and external factors, and criminal prevention in criminal acts of detention in which efforts to combat the crime of detention of goods resulting from theft are used in the form of penalties indirectly as a reminder to the public.

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²⁶. Interview Results with Makmurin Kusumastuti, SH, MH, Blora District Court Judge, on January 8, 2020

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