

## The Criminological Review of the Joint Crime of Theft

**Maman**

Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail:  
[supratmanmaman26@gmail.com](mailto:supratmanmaman26@gmail.com)

**Abstract.** *The purpose of this research is to study and analyze factors causing the crime of theft to occur together and to study and analyze the efforts made by the Cirebon City Police in overcoming criminal acts of theft which were carried out jointly. This study uses a sociological juridical approach. The results of this study indicate that the factors that lead to violent theft together in this study are, a) Lack of Cirebon City Police personnel b) Weak law enforcement, c) Lack of morale of the perpetrators, d) Less than optimal security, e) Environment of the perpetrators which is not good, f) Economy, g) Lack of prudence in society, h) Lack of education of actors. And the efforts of the police in preventing and tackling theft by violence together are, a) Countermeasures in a repressive manner, an example of police countermeasures is by taking firm action against the perpetrators, b) Countermeasures in a pre-emptive manner, for example urging the public to be more vigilant, c) Countermeasures in a preventive way, for example conducting patrols on roads that are prone to crime.*

**Keywords:** Collaborative; Criminology; Theft.

### 1. Introduction

The increase in cases of motor vehicle theft crimes cannot be stopped due to the increasing growth rate of motorized vehicles which is quite high both in urban and even rural areas. The growth rate of motorized vehicles is not proportional to the growth of roads or the length of roads available.<sup>1</sup> Theft is one of the criminal acts, if it is committed by an adult then this is common and usually if

---

<sup>1</sup>Romiz Albajili and Jawade Hafidz, "The Roles and Responsibilities of the Police Investigation in Revealing Cases of Motorcycle Theft in the City of Semarang", in Proceedings of the UNISSULA KIMU STUDENTS SCIENTIFIC CONFERENCE 2 Sultan Agung Islamic University, Semarang, 18 October 2019 url:<https://jurnal.unissula.ac.id/index.php/kimuh/article/view/8835/4030>

caught they will undergo a common legal process.<sup>2</sup>

Stealing can be interpreted as taking someone else's property illegally or against the law. Meanwhile, people who steal things that belong to other people are called thieves. Theft itself means an act or case related to stealing, According to Article 362 of the Criminal Code: Whoever takes something, which is wholly or partly owned by another person, with the intention of illegally possessing it, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of sixty rupiahs.<sup>3</sup> So the act of theft is considered to have been completed by the perpetrator after the perpetrator committed the act of taking as prohibited by people in Article 362 of the Criminal Code. One type of theft is theft by weighting which is regulated in Article 363 of the Criminal Code. Including the type of theft with weighting is Theft committed by two or more people in alliance.

This study took a sample of cases that occurred within the jurisdiction of the Cirebon City Police which occurred on September 1, 2021 around 04.30 WIB at the PS STAR GAME Rental ground floor on Jl. Terusan Sekar Kemuning, Kampung Karyamulya, RT. 02/11, Karyamulya Urban Village, Kesambi District, Cirebon City, DW actors and Br. Br went to the victim's rental, Br. Br who entered the rental while the DW perpetrator remained outside on a motorbike whose engine had been deliberately turned off, just to keep an eye on the situation around the rental, not long after, Mr. Br came out with 1 (one) unit of the Vivo Type V5 mobile phone, Gray color, with the victim's black silicon protector, when he was about to leave the rental, suddenly the victim came out of the rental and was holding the handlebars of the motorbike the perpetrator was riding in tandem with Mr. Br, apart from the victim, a friend of his also pulled the back of the motorbike the perpetrator was driving. DW's motorbike continued to gas and managed to get away from the victim's grip and the pull of the victim's friends, so that the victim was dragged along, the motorbike swayed and had fallen, when many residents started to come and arrest the perpetrators DW and Mr. Bro, Mr. Br was caught by residents but managed to escape.

Crime is all forms of acts that fulfill the formulation of the provisions of the Criminal Code. Crime is behavior that violates the law and violates social norms, so society opposes it.<sup>4</sup>

The following research shows that a crime occurs both because of the internal factors of the perpetrators of the crime, even including birth defects, as well as

---

<sup>2</sup>Bambang Sarutomo, "The Causes of Underage Children Committing the Crime of Theft in Demak Regency", in the International Journal of Law Society Services Volume 1 No. 1 March 2021 , url : <https://jurnal.unissula.ac.id/index.php/ijls/article/view/14741/5339>

<sup>3</sup> Moeljatno, Criminal Code, Bumi Aksara, Jakarta, 2003, p. 128.

<sup>4</sup> Kartini Kartono, Social Pathology (North Jakarta: CV Rajawali, 1992), p. 134.

due to external influences, namely from the community around the person's life and from other external factors.<sup>5</sup>

Based on the description above, the objectives to be achieved in this study are to study and analyze factors causing the criminal act of theft to be committed jointly and to study and analyze the process of law enforcement criminal acts of theft which are carried out jointly to study and analyze factors causing the crime of theft to occur together and the efforts made by the Cirebon City Police in overcoming criminal acts of theft which were carried out jointly.

## **2. Research Methods**

The approach used in this study is Juridical Sociology, the specifications in this study are analytical descriptive, the data used are primary data and secondary data, using data collection by interviews and literature studies, qualitative data analysis, problems are analyzed by theory, law enforcement and legal certainty.

## **3. Results and Discussion**

The crime of theft with violence is very common in the jurisdiction of the Cirebon City Police, and researchers found several factors that lead to the frequent occurrence of this crime, namely:

### *a. Lack of Cirebon City Police Personnel*

Based on the results of interviews at the operational section of the Cirebon City Police and the results of my interview with the head of the operational section, namely Mr. Kompol Erinal, the main factor in frequent violent thefts within the jurisdiction of the Cirebon City Police is due to a lack of personnel to prevent this crime from occurring.

There are 770 personnel and Civil Servants recorded at the Cirebon City Police, but only 595 are on standby and ready to be used. The number 595 is still said to be lacking. Based on the results of the study that the lack of police personnel can affect the occurrence of a crime because the population in the jurisdiction of the Cirebon City Police is very dense, not proportional to the number of personnel who are ready to stand by in tackling cases of theft with violence together.

### *b. Weak law enforcement*

From the results of interviews with the community around the Cirebon City Police area, the number of perpetrators who were arrested on the loose or peacefully so that most of the perpetrators of theft by violence underestimated the performance of the police in enforcing and tackling the crime of theft by force together, therefore the perpetrators often repeated these crimes.

---

<sup>5</sup> Munir Fuady, Grand theories in law (Kencana: Jakarta, 2013), p. 269, 270.

Legal awareness in both law enforcers and society is still weak. Failure to create justice by law enforcers is still common, coupled with many anomalous acts and acts of vigilantism (*eigenrichting*) in society. The act of taking the law into their own hands which is carried out by the community partly illustrates the general nature of society whose trust in law enforcement officials is decreasing. An integrated justice system also cannot be enforced, which in the end always creates dissatisfaction for justice seekers on the one hand, and damage to the image of law enforcers on the other.<sup>6</sup>

### *c. Lack of Moral Actors*

Investigators revealed that the morale of the perpetrators was very bad because the perpetrators lived in a slum area where most of the thugs and drug users lived, and investigators also said the perpetrators were uneducated because they only graduated from junior high school, the perpetrators also did not have a job so the perpetrators looked for shortcuts by committing the crime of theft with this violence.

One of the problems that is not very visible but is a big problem is the morale of the Indonesian people who are so broken. But most of us don't realize it as something that is very influential for the future development of Indonesia, the nation's civilization and national identity or identity in the eyes of the world. This is a big obstacle that comes from within Indonesia itself, even in this case the government's attention is so lacking, especially now impressed by government officials. The awareness of the conscience of every Indonesian citizen is also lacking regarding the importance of national morality. It is also possible that this will result in the Indonesian nation sinking further and being looked down upon by other nations. Especially with the increasingly crumbling public morals, this can lead to law violations that are increasingly rife in Indonesia. The causes of the moral crisis are:<sup>7</sup>

- The current of globalization that has hit the whole world has resulted in humans, especially the Indonesian nation wanting to move from their own national culture to modern culture (western culture which is clearly contrary to national culture which is based on Pancasila).
- Lack of awareness to maintain the Indonesian nation's culture which is the nation's ancestral heritage.
- Low education.

---

<sup>6</sup> Nursariyani Simatupang and Faisal. 2017. *Criminology An Introduction*. Medan, Prima Library, p. 182.

<sup>7</sup> Dewi Sukmowati, Moral Crisis That Impacts Law Violations, <https://dewisukmowati.uns.ac.id>, accessed January 24, 2023, at 18.30 WIB.

- Weak self-control.
- Lack of empathy for other people and the environment.

GP Hoefnagels states that between crime and morals can be described as two circles with various forms as follows:<sup>8</sup>

- All criminal acts are acts that violate morals. This group of views includes those who consider evil to be sin and those who believe government is a gift from God. This view can also be called the bonger model.
- There is another view that argues that almost all criminal acts are acts that violate morals, only a small number violate morals. This view sees morals as an absolute sense that is merely a generalization of their moral code.

Morality on the other hand expects us not only to restrain ourselves but also to do something positive. Besides that, the existence of differences in moral views and the interests of various groups in society, especially the heterogeneous nature of modern society, will result in different choices about which actions will be made criminal acts and which ones will not. This means that there are certain moral views of certain groups that receive legal support, while other moral views of other groups do not.<sup>9</sup>

Based on the results of moral research is very influential in life everyday and if someone has poor morals it can cause that person to do things that are deviant. Therefore the importance of moral education is instilled early on, because if someone gets moral education from an early age it can reduce or prevent crime.

#### *d. Insufficient security*

The results of interviews from the operational section of the Cirebon City Police, which the researcher explained above, showed that security was less than optimal due to a lack of personnel who were ready to be on standby in the event of a theft with violence, a shortage of personnel due to reasons such as illness or police personnel who were exposed to problems from the unit. The less than optimal security carried out by the Cirebon City Police has resulted in frequent violent crime of theft. the lack of protection for the community is considered as a thing that causes the perpetrators to be able with their courage to commit crimes, of course the perpetrators have thought about security around the location they will make their destination. If the security is too tight, it is impossible for them to dare to carry out their actions. On the contrary,

Based on the research results, one of the causes of violent theft is due to poor security from the police. The police said the lack of security was due to a lack of

---

<sup>8</sup> IS Susanto. 2011. Criminology, Yogyakarta, Genta Publishing, page 30.

<sup>9</sup> *Ibid*, pp. 32-33.

personnel who could be used in carrying out routine security. The police play an important role in preventing a crime because if the police are not firm in carrying out their duties, it can create opportunities for the perpetrators to commit theft with violence together.

*e. Unfavorable environment for actors*

Environmental factors that influence the perpetrators to commit crimes of theft with violence together, because the perpetrators live in slum areas and associate with drug users, the perpetrators become contaminated with promiscuity, so the perpetrators use the proceeds for extravagance such as getting drunk and playing commercial sex workers (PSK).

Based on the research results, environmental factors are one of the factors that influence a person to commit a crime. If a person lives in a bad environment, it will result in the formation of bad behavior and mindset.

*f. Economy*

The perpetrators committed the crime of theft with violence due to encouragement from the declining economy, seeing the lifestyle of the perpetrators who were not in a good mood and tended to waste money in bad ways such as playing gambling and hiring commercial sex workers (PSK), besides that the perpetrators did not have a job, because it's looking for a smart way to commit crimes in order to meet the needs of an extravagant economy.

The occurrence of a crime is closely related to poverty, education, unemployment, and other socio-economic factors, especially in developing countries. The statement that economic factors influence the occurrence of a crime is supported by Clinard's research in Uganda, research states that crimes against property will be seen to increase very high in developing countries, this increase will follow economic growth and development.<sup>10</sup>

Especially for economic matters, it shows that poverty is positively correlated with criminal acts. Likewise income inequality, the more income inequality, the higher the probability for someone to commit a crime.<sup>11</sup>

*g. Lack of Community Concern*

One of the causes of the ease with which perpetrators commit theft with violence in the jurisdiction of the Cirebon City Police is the ease with which people trust new people. asked to accompany the perpetrator to the destination.

Based on the results of research on the lack of caution in assessing someone he

---

<sup>10</sup>Ende Hasbi Nassaruddin. 2016. Criminology. Bandung: Loyal Heritage.,p.88.

<sup>11</sup> Yesmil Anwar and Adang, Criminology. 2018, Bandung, Refika Aditama, page 62.

just met. This creates an opportunity for the perpetrator to carry out the action. Therefore, society must be careful in assessing someone they just met in order to minimize the occurrence of crime.

#### *h. Lack of education of criminals*

It is undeniable that the level of education or knowledge possessed by a person determines and influences every behavior in society. Mostly caused by a person's limitations in understanding or understanding the applicable legal provisions and the lack of knowledge of the perpetrator causing the perpetrator to commit a crime without thinking about the causes and consequences of the crime.

Lack of education greatly affects a person's actions, from the results of interviews with investigators who handled this case, it was revealed that the perpetrator only graduated from junior high school and did not continue to the final secondary school stage or could be said to have dropped out of school. The educational factor plays a role in causing crime, which results in perpetrators not thinking long before committing their crimes.

Based on the results of the study that someone who received a poor education can result in a person having a poor mindset, but it does not rule out that people who receive higher education do not commit crimes, for example corruptors who have higher education but still commit harmful corruption crimes country.

Crime is a problem in human life. Along with the development of society and advances in science and technology, crime also develops in various types and forms, which on the other hand also shows the suffering of victims of various crimes. Nevertheless, humans never give up facing crime and try to find the best way to reduce or reduce the amount of crime. There are many factors that cause crime that cause someone to commit a crime. So efforts should be made to deal with it immediately.<sup>12</sup> Crime prevention policies or what is commonly referred to as criminal politics is a rational effort by society to tackle crime. Tackling according to Mardjono Reksodiputro means as an effort to control crime so that it is within the limits of social tolerance.<sup>13</sup>

Sudarto emphasized that criminal politics can be divided into three integral parts, namely: first, in a narrow sense, the overall principles and methods that form the basis of reactions to violations of law in the form of crimes; Second, in a broad sense, is the overall function of the law enforcement apparatus, including the workings of the courts and the police; third, in the broadest sense, is the overall policy carried out through legislation and official bodies.

In diagnosing crimes, the police must use scientific methods, namely forensic

---

<sup>12</sup> Nursariani Simatupang and Faisal. Op. Cit., p. 247.

<sup>13</sup> Ibid p. 248

medicine, forensic toxicology, forensic psychiatry and criminalistics.<sup>14</sup>In preventing a crime, criminology also has three approaches, namely:<sup>15</sup>first, a descriptive approach, which is an approach by observing and collecting data related to facts about crime and perpetrators of crime. For example, the form of criminal behavior, how the crime was committed by criminals, the frequency of crimes such as age, gender, hair color and career development of the perpetrators;

*Second*, Causality approach or causal approach. Causal relationships in criminology are of course different from causation in criminal law, every event in society is a social event and it may be said that every social event is related to one another and this social event is called causality or causes between each social event. That.

Third, the normative approach, criminology is said to be an idiographic-discipline because criminology studies facts, causes and consequences in individual cases, while what is said to be nomothetic-discipline is aimed at discovering and expressing scientific laws whose uniformity is recognized.

Crime prevention is a simple and targeted approach that can prevent people from becoming victims. In the politics of public welfare, the prevention of crime is very important, or it is more correct to say that it must be prioritized. Because criminal acts will disrupt the development of sectors of socio-economic activity or social welfare in general in a broad sense.<sup>16</sup>Criminal politics is another field of criminology whose job is to find ways to eradicate crime. After finding the causes of a crime, the findings are used to find ways to eradicate, or prevent it.

Efforts or policies to carry out prevention and control of crime are included in the field of "criminal policy" (criminal policy). This criminal policy is also inseparable from a wider policy, namely "social policy" which consists of "policies/efforts for social welfare" (social welfare policy) and "policies/efforts for the protection of society". (social defense policy). Thus, if crime prevention policies (criminal politics) are carried out by means of "penal" (criminal law), then penal policy, particularly at the judicial/applicative policy stage (prevention of criminal law in concreto) must pay attention to and direct in achieving the goals of social policy.<sup>17</sup>In this section, efforts to tackle the crime of theft by violence together in the context of criminology will be explained, namely: First, Repressive Countermeasures. Community efforts to tackle crime can be carried out repressively through the criminal justice system. Efforts to overcome crime

---

<sup>14</sup> Indah Sri Utami, 2018, *Schools and Theories in Criminology*. Yogyakarta, Thafa Media, pp. 17-18.

<sup>15</sup> Yesmil Anwar and Adang, 2018, *Criminology*, Bandung, Refika Aditama. pp. 38-39.

<sup>16</sup> Nursariani Simatupang and Faisal Op. Cit., p. 250.

<sup>17</sup> Barda Nawawi Arif, 2014, *Law Enforcement Issues and Criminal Law Policies in Crime Control*. Jakarta: Kencana Kharisma Putra Utama. p. 77.



through the penal route focus more on the repressive nature after the crime has occurred. This effort is made to reduce or reduce the number of crimes and try to do or do something to improve the perpetrators who have committed crimes<sup>18</sup>

Repressive efforts are a conceptual effort to overcome crime which is taken after the crime has occurred. Countermeasures with repressive efforts are intended to demand that the perpetrators of crimes comply with their actions and correct them again so that they are aware that their actions are unlawful and detrimental to society, so that they will not repeat them and other people will not do them either, bearing in mind the sanctions that will be borne are very heavy. .<sup>19</sup>

*Second*, Pre-emptive Countermeasures; Pre-emptive efforts here are the initial efforts made by the police to prevent criminal acts from occurring. Efforts made in pre-emptive crime prevention instill good values/norms so that these norms are internalized within a person. Even though there is an opportunity to commit an offense/crime but there is no intention to do so, no crime will occur. So in pre-emptive effort the intention factor is lost even though there is an opportunity. This method of prevention comes from the NKK theory, namely: the intention of the opportunity for a crime to occur.

In accordance with the data and results of the researcher's interview with the Head of Ops, the pre-emptive effort carried out by the Cirebon City Resort Police is by giving appeals to the public, having ordered the Head of Community Guidance Unit for the Cirebon City Resort Police to provide appeals to the community, namely:

- Urging the public to be more wary of strangers and people they already know, don't trust people too easily.
- Notifying cargo transport drivers or private drivers not to be negligent in locking the vehicle, and drivers and the public are expected to be careful if someone they don't know asks for a ride.
- Keeping the surrounding environment sterile from thugs or drug users, because the drug factor very often encourages someone to commit a crime.

*Third*, Preventive Countermeasures. Preventive management is taking precautions before the crime occurs, such as social activities carried out to reduce unlawful behavior by the people of Cirebon Regency. :

- Ordered visible officers to conduct patrols on streets that are prone to violent

---

<sup>18</sup> Nursariani Simatupang and Faisal Op.Cit., p. 250.

<sup>19</sup>Ibid p. 251

theft crimes and conduct raids to prevent suspicious vehicles from passing through the jurisdiction of the Cirebon City Police.

- Conducting village visits, as explained above, the head of ops ordered the visible Bimas to visit crime-prone villages such as slum villages.
- Conducting counseling, this counseling is routinely carried out by the Cirebon City Police every month where personnel from the community section often carry out counseling at schools and in villages.
- Conducting face-to-face activities, this activity is carried out by the police visiting homes and listening to complaints so that the community is closer to the police and is not afraid to report if a crime occurs around the community's neighborhood.
- Carrying out pam-swakarsa, namely security activities such as guarding posts that are prone to violent theft crimes.

In addition to non-penal efforts, it can be pursued by nourishing the community through social policies by exploring the various potentials that exist within the community itself. It can also be that non-penal efforts are explored from various other sources that also have potential preventive effects, such as the media or the mass press, the use of technological advances known as techno-prevention, and the utilization of potential preventive effects from law enforcement officials.<sup>20</sup>

#### **4. Conclusion**

Based on the research results from the discussion, it is concluded that The factors that lead to violent theft together in this study are, a) Lack of Cirebon City Police personnel, b) Weak law enforcement, c) Lack of morale of the perpetrators, d) Less than optimal security, e) Environment bad actors, f) Economy, g) Lack of prudence in society, h) Lack of education of actors. The efforts of the police in preventing and tackling theft by violence together are, a) Countermeasures in a repressive manner, an example of police countermeasures is by taking firm action against the perpetrators, b) Countermeasures in a pre-emptive manner, for example urging the public to be more vigilant, c) Countermeasures in a preventive way, for example conducting patrols on roads that are prone to crime.

#### **5. References**

Bambang Sarutomo, "The Causes of Underage Children Committing the Crime of Theft in Demak Regency", in the International Journal of Law Society

---

<sup>20</sup> Ende Hasbi Nassuddin, Op. Cit., p. 192.

Services Volume 1 No. 1 March 2021 , url :  
<https://jurnal.unissula.ac.id/index.php/ijls/article/view/14741/5339>

Barda Nawawi Arif, 2014, Law Enforcement Issues and Criminal Law Policies in Crime Control. Jakarta: Kencana Kharisma Putra Utama.

Dewi Sukmowati, Moral Crisis That Impacts Law Violations,  
<https://dewisukmowati.uns.ac.id> .

Ende Hasbi Nassaruddin. 2016. Criminology. Bandung: Faithful Heritage

IS Susanto. 2011. Criminology, Yogyakarta, Genta Publishing.

Indah Sri Utami, 2018, Schools and Theories in Criminology. Yogyakarta, Thafa Media,

Kartini Kartono, Social Pathology (North Jakarta: CV Rajawali, 1992)

Moeljatno, Criminal Code, Bumi Aksara, Jakarta, 2003

Munir Fuady, Grand Theories in Law (Kencana: Jakarta, 2013),

Nursariani Simatupang and Faisal. 2017. Criminology An Introduction. Medan, Prima Library.

Romiz Albajili and Jawade Hafidz, "The Roles and Responsibilities of the Police Investigation in Revealing Cases of Motorcycle Theft in the City of Semarang", in Proceedings of the UNISSULA KIMU STUDENTS SCIENTIFIC CONFERENCE 2 Sultan Agung Islamic University, Semarang, 18 October 2019 url:<https://jurnal.unissula.ac.id/index.php/kimuh/article/view/8835/4030>

Yesmil Anwar and Adang, Criminology. 2018, Bandung, Refika Aditama