

Victim of Robberies Becomes Suspect: Indonesian Criminal Law and Human Rights Perspective

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Abstract

A young man from East Nusa Tenggara had to experience the crime of being a victim of a robbery, but unfortunately, he was named a suspect for killing the robber to defend himself. In the Indonesian legal basis, citizens have the right to defend themselves, protect and feel safe from the threat of fear, but what happened to the youth is contrary to this legal basis. The purpose of this research is to analyze the reasons why victims of robbery are named suspects with the aim of defending themselves from the perspective of Indonesian criminal law and human rights. The author also relates the decision to the existing laws and regulations, is the decision relevant to the law or not? This research adopts the normative legal research method. The results of this research are to provide new information regarding the right action and how to defend oneself according to the law if experiencing a similar criminal event. The findings of the research show that victims of robbery can take evasion actions by seeking self-protection from the authorities or by running away for their own safety, and according to the law, murder is a criminal act so that the victim can be made a suspect but there are other considerations.

Keywords: Legislation; Personal Protection; Robbery

I. Introduction

Criminal law is a component of the whole legal system in a country that establishes the basis of a rule to determine what actions should not be done, which are prohibited, and is accompanied by threats or sanctions in the form of specific criminals for those who violate the prohibition.¹ Criminal law recognizes the concept of criminal elimination at all levels of action. The legal basis for criminal abolition is divided into two categories: those listed in the law and those introduced by jurisprudence and doctrine. Forced to make a defense, contained into 3 understandings, that is, there must be an attack or threat of attack, there must be another way to dispel the attack or threat of attack at that time, and the act of defense must be balanced with the nature of the attack threat attack.²

Some cases related to the determination of suspects against victims who have made a defense are forced to increase in Indonesia. As a result of the determination of the suspect, the public feels confused, whether the victim who made a defense was forced to deserve to be given a criminal sanction or given appreciation or appreciation.

Criminal events related to forced defense (*noodweer*) in several cases that occurred in Nusa Tenggara Barat (NTB), namely victims who were thwarted by perpetrators who used violence with sharp weapons to threaten the lives and safety of victims. Immediately the victim made a forced defense (*noodweer*) by stabbing the perpetrator so that both perpetrators died. Thus, the police ensnared the initials (US) with Article 338 of the Criminal Code for the disappearance of a person's life and Article 351 paragraph (3) of the Criminal Code for acts of persecution that resulted in the loss of one's life.³ Of course,

¹ Moeljatno. (2015). *Asas-Asas Hukum Pidana*. Jakarta: Rineka Cipta, pg 2.

² *Ibid.*, pg. 158.

³ CNN Indonesia. (2022). Available on <https://www.cnnindonesia.com/nasional/20220415045314-12-785093/pakar-sebut-korban-begal-jadi-tersangka-di-ntb-tak-bisa-dipidana>, Accessed on 14 May 2022 at 12:23 WIB.

this becomes a very big problem and becomes a concern for the community if the same case occurs, it will benefit and provide opportunities for criminals to be more productive in committing crimes.

Article 49 of the Criminal Code of the Indonesian Criminal Code of Defense must exist in all criminal laws and is the same age as criminal law itself. The phrase *noodweer*, used by the Dutch, is not included in the law's formulation. Article 49, paragraph 1 of the Penal Code states: "Whoever is compelled to commit an act, which is compelled to be done to defend himself or himself, defend his own honor or property or the property of others, rather than an attack against rights and immediately at the right time, should not be punished."⁴

Forced defense (*noodweer*) and forced defense to excess (*noodweer exces*) are similar in that they both entail an illegal assault on anything that must be protected (such as one's body, one's honor, one's decency, one's property, or one's own or another's person). There is also a distinction between the two, which is as follows:⁵

1. In the case of too aggressive defenses (*noodweer exces*), the creator goes too far because of the tremendous shock to the soul. As a result, going beyond that point in self-defense is still illegal; the terrible shock to the soul just prevents a conviction. Also, extreme counterattacks create the foundation for forgiveness.
2. *noodweer* is the complainant's premise, since there is no such thing as a violation of the law.

Therefore, the formulation of the problem that we will bring to this writing in the form of Whether to survive in order to save one's own life against the perpetrator of robbery including an act that violates the law? and why in this case the victim of the robbery even became a suspect?

II. Method

The study follows a conceptual attachment strategy, which is grounded on normative legal research methodologies. Primary legal sources include the 1945 Constitution of the Republic of Indonesia, the Criminal Code (Law No. 1 of 1946), and the Criminal Procedure Law (Law No. 8 of 1981); secondary legal sources include libraries with books, articles, and documents related to the issue at hand; and tertiary law sources include legal materials that support primary legal materials and secondary legal ma

III. Results and Discussions

3.1. Understanding Robberies (*Begal*)

Crime of Robberies (*begal*) is one of the problems that are rife in people's lives lately, not least in West Nusa Tenggara with various dynamics and social problems of its people. The crime is a crime against property that provides economic value for the perpetrators. Crime is also one form of crime that often occurs and is very troubling to the community, the losses experienced by victims can be said to be not small.

In the Qur'an there are several verses that discuss the person who made the damage on the face of the earth or the crime of disobedience, including in Surah Al-Mâidah Verse 33:

"Surely the vengeance against those who fought Allah and his Apostle and made damage to the Earth, only they were killed or crucified, or cut off their hands and feet back, or banished from the country (his place of residence). This is an insult to them in the World and in the Afterlife, they get great torment, except for those who repent (among them) before you can master (arrest) them, then know that Allah (SWT) is all-merciful".⁶

In Indonesia there are many criminal acts, especially criminal acts, criminal acts are crimes that are often committed among perpetrators whose economy is quite difficult. In the Criminal Code there is no further explanation of *begal* (robberies), in the Criminal Code does not recognize the existence of Interpretation and is not guaranteed legal certainty, but in practice in the field is known for the

⁴ Nanang T. Sitorus, Fitria R. Siregar, and Wenggedes Frensh. (2021). Penetapan Tersangka Terhadap Korban Tindak Pidana Pencurian yang Melakukan Pembelaan Terpaksa (*Noodweer*) Dalam Hukum Pidana Indonesia. *Riau Law Journal*, Vol. 5 No. 2, pg. 228-229.

⁵ Hukum Pidana. (2018). Available on <https://www.hukumonline.com/klinik/detail/ulasan/Lt5ae67c067d3af/arti-inoodweer-exces-i-dalam-hukum-pidana>, Accessed on 14 May 2022 at 12:10 WIB.

⁶ Department of Religion. (2009). *Qur'an and Its Translation*. Jakarta: Pustaka Al-Kautsar, pg. 113.

interpretation to be able to ensnare or account for the actions of the perpetrator, in terms of seeking understanding and regulation of criminal acts can be done by means of interpretation expanding understanding, Interpretation aims to know the objective understanding of what is included in the rule of law not the subjective understanding as intended by the shaper of the rule at the time the regulation was made.

The criminal act carried out by the Interpretation expands the understanding, including in the criminal act of property crimes contained in book II of the Criminal Code, ranging from article 362 to article 367 concerning theft, from article 362 to article 367 of the criminal act included in article 365 of the Criminal Code where in practice interpretation has been carried out expanding understanding. Every act or criminal act is regulated in the Criminal Code (KUHP).⁷

There are two factors that can cause a crime. The first is the intention of the perpetrator of the crime and the second is because of the opportunity. Intention is a factor that comes from within the perpetrator. While opportunity is a factor that comes from within the victim. This is because of an act or behavior of the victim to encourage the perpetrator who initially has no intention, instead becomes intending to commit a crime. The occurrence of crime is due to factors that come from the victim itself, namely:⁸ the presence of negligence factors, lack of vigilance, and lack of supervision when driving at night.

The crime of violent theft has been regulated in Article 365 of the Criminal Code whose original formulation is as follows:⁹

1. Sentenced to up to nine years in prison, theft preceded, accompanied, or followed by force or threats of violence against persons committed with the intention of preparing or facilitating the theft, or allowing himself or other participants in the crime to escape if known at the time, or ensuring mastery of the stolen object.
2. Sentenced to imprisonment for twelve years with the provisions:
 - a. If the crime is committed at night in a residence or on a closed yard that above it there is an exact residence, or on a public road or on a train, or a moving tram;
 - b. If the crime was committed by two more people or together;
 - c. If in order to get access to the crime scene, the guilty person has carried out demolition or climbing or has worn false keys, a false order or a false uniform. If the crime has resulted in severe injuries to the body;
 - d. Sentenced to imprisonment for fifteen years, if the crime has resulted in the death of a person; and
 - e. Sentenced to death, life in prison, or 20 years' probation if the crime was committed by two or more individuals and resulted in serious bodily damage or death of a person, and if one of the conditions listed in items 1 or 3 also applied.

3.2. The Crime of Robberies (*Begal*) In the Perspective of Indonesian Law

The occurrence of robbery can be due to several factors, for example, environment, economy, education level, family and juvenile delinquency, juvenile delinquency is a phase experienced by most children towards young adulthood, so that behavioral experts consider it a normal process. It is stated that in the process of searching for their identity, adolescents collide with ideas and values to find their identity. Adolescents who are exposed to examples of aggressive and deviant behavior have an addiction to imitate them. In the case of juvenile robbery, the behavior gets its inspiration from cases of robbery that are difficult to solve by the authorities. Even if caught, robbers get only light punishments.

Because this act of burglary has resulted in several casualties, robbery disrupts security and order in people's lives. Burglars who are still teens or juveniles are the most common perpetrators.¹⁰ Based on the Criminal Code, the crime of robbery includes "The Crime of Theft Chapter XXII Specifically regulated in Article 365 of the Criminal Code". According to the theft law, there are 5 types, namely:

1. Ordinary theft is governed by Article 365 of the Criminal Code;

⁷ Anak A. G Agung, Anak A. S. L. Dewi, dan I Made M. Widyantara. (2021). Perlindungan Hukum Terhadap Pelaku Pembunuhan Begal Atas Dasar Pembelaan Terpaksa. *Journal of Legal Interpretation*, Vol. 2 No. 1, pg. 3-4.

⁸ Natasya V. Leuwol, Lulu J. Uktolseja. (2019). Begal-Perilaku Menyimpang Masyarakat Yang Dilakukan Oleh Remaja. *Akrab Juara Journal*, Vol. 4 No. 3, pg. 76.

⁹ P. A. F Lamintang, Theo Lamintang. (2009). *Delik-Delik Khusus Kejahatan Terhadap Harta Kekayaan*. Jakarta: Sinar Grafika, pg. 55.

¹⁰ Afifah Khairunnisa. (2017). Aksi Pembegalan Meresahkan Masyarakat. Available at <https://lk2fhui.law.ui.ac.id/aksi-pembegalan-yang-meresahkan-masyarakat/>.

2. Theft by weight is governed by Article 363 of the Criminal Code;
3. Theft with violence is governed by Article 365 of the Criminal Code;
4. Theft within the family is governed by Article 367 of the Criminal Code; and
5. Crimes against a person's body and life, such as molestation and murder, are governed by Article 367 of the Criminal Code.¹¹

In general, the construction of law related to robbery is theft. People who have violated the rules that have been made, of course there will be punishments given. Punishment is an unpleasant feeling (miserable) imposed by a judge with a verdict on people who have violated the Criminal Law Act. Based on this, the punishments or criminal threats regulated in Article 10 of the Criminal Code consist of two types, namely the main punishment and the additional punishment. The main punishment consists of death penalty, imprisonment, confinement, fine, criminal closure, while additional penalties consist of revocation of certain rights, confiscation of certain goods, and announcement of judge's decision, while the reasons that can eliminate criminal threats can be divided into: reasons for justification, forgiveness, and reasons for abolition of prosecution, death of the accused, expiration, settlement outside the court, coercive power, forced defense, carrying out statutory orders, carrying out legal office orders, and carrying out invalid office orders in good faith. However, in this case, the criminal threat that can be imposed on the perpetrators of theft is in the form of imprisonment and fines.¹²

In the book of the Criminal Code (KUHP) there is no specific understanding of the criminal act of robbery or robbery. This act can be dealt with according to the rules stated in article 365 paragraph (1):

"Is punishable by a maximum imprisonment of nine years, theft which is preceded, accompanied or followed by violence or threats of violence against a person with the intention of preparing or facilitating the theft, or in the case of being caught red-handed, to enable the escape of oneself or another participant, or to keep possession of the property. the stolen."¹³

3.3. Countermeasures And Efforts to Eradicate Criminal Acts of Robberies (*Begal*)

Criminal policy or crime prevention is a vital component of Social Defense and efforts to attain Social Welfare. As a result, the ultimate or primary purpose of criminal policy is to safeguard society in order to attain social welfare. One of the ways the Indonesian National Police (POLRI) may provide safety to the public regarding robbery is through its tasks and functions.

Regarding the protection of the public in relation to the felony of robbery, the POLRI's responsibilities and functions may be one method. According to Article 13 of Law Number 2 of 2002 governing the Indonesian National Police (Police Act), the primary responsibilities of the Indonesian National Police are to: (1) preserve public safety and security; (2) enforce the law; and (3) offer protection, protection, and community services. Article 14 of the Police Law governs the remaining responsibilities. The Police refer to the National Police's pre-emptive tasks and activities in the field as "community development" or "indirect preventative," i.e. coaching aimed at transforming the community into a law-abiding citizenry.¹⁴

In describing the various negative aspects of community development, Sudarto emphasized that efforts to "ask for help" from criminal law as a means of dealing with criminal acts should or should be considered at the end. Criminal law has a subsidiary function, meaning that it is only used if other efforts are thought to be less satisfactory or less appropriate. However, if criminal law is involved, it should be seen from the overall relationship of criminal politics, especially to the purpose of "public protection" (as planning for social defense).¹⁵

The crime of burglary is a crime that not only confiscates property but also takes a person's life, the perpetrators certainly do not hesitate to commit violence in order to obtain or maintain the stolen property. In the crime prevention process carried out by the police in order to maintain security and public order as

¹¹ Theresa Yolanda Sirait, 2021, *Kasus Pembegalan/Pencurian Motor (Pro Bono)*, <https://moeldoko81.org/2021/09/07/kasus-pembegalan-pencurian-motor-pro-bono/>.

¹² Rusmiati, Syahrizal, Mohd din. (2017). Konsep pencurian dalam Kitab Undang-Undang Hukum Pidana dan Hukum Pidana Islam. *Syiah kuala law journal*, Vol. 1, No. 1, pg. 347.

¹³ Moeljanto. (2009). *Kitab Undang-Undang Hukum Pidana*. Jakarta: Bumi Aksara, pg. 129.

¹⁴ Zainudin Hasan, Rissa Afni Martinouva. (2020). Penanggulangan Kejahatan Begal dalam Perspektif Kriminologi. *Jurnal Hukum Malahayati*, Vol.1, No. 1, pg. 113.

¹⁵ Hartono, Syafrudin kalo, m. Hamdani, Mahmud Mulyadi. (2021). Peranan Kepolisian dalam penanggulangan tindak pidana kejahatan pencurian dengan kekerasan (Begal) di Wilayah Hukum Polsek Percut Sei Tuan. *Jurnal Kajian Hukum*, Vol. 2, No. 2, pg. 353.

regulated in Article 13 of Law Number 2 of 2002 concerning the Police which states that the main task of the Police which states that the main tasks of the POLRI are:

1. Maintain public safety and order;
2. Enforce the law; and
3. Provide protection, protection, and service to the community.

With the passing of time and the advancement of technology, public security and order has become a scenario that is required to sustain progress. All parts of society anticipate a sense of calm, security, and serenity. The following are measures to combat the widespread use of sharp weapons in robberies:¹⁶

1. Preventive Measures

Actions performed to reduce or eliminate the risk of crime. Preventing crime is preferable than educating to be better since it is not only cheaper, but also easier and more likely to provide good outcomes or fulfill the aim. For example, strengthening patrols during crime hotspots and in areas where robberies are common, as well as performing school outreach.

2. Repressive Efforts

Repressive means against perpetrators carried out by trying to find items of thievery, conducting examinations and collecting evidence to make arrests and detentions to carry out an investigation process that determines whether they will be released or further examined, provide laws and regulations in criminal law by Oriented to coaching and repairing criminals.¹⁷

3.4. The Decision Given to Victims of Robberies (*Begal*) In the Perspective of Indonesian Law

Indonesia has always had criminal acts, the number of criminal acts that occur is also not small every year. In fact, sometimes there are times when criminal acts increase significantly. Criminal acts in Indonesia are frequent and almost every day. Because criminal acts often occur to the point that they feel that criminal acts are common in the public. This criminal act certainly disturbs the security of society. Criminal acts also make people restless and create a sense of concern for the community to carry out their daily activities while outside the home. The anxiety caused by criminal acts certainly makes efficiency and effectiveness in carrying out activities outside the home disturbed. Especially for people or communities who work as traders, motorcycle taxis or other jobs that can threaten their own lives. This form of robbery criminal acts targeting the victim's valuables, such as gold, jewelry, cash, cellphones and other valuables.

If the victim has lost valuables and the perpetrator of the robbery has obtained the victim's valuables, not many perpetrators kill the victim and not many perpetrators of the burglary do the victim lightly or seriously. Criminal acts in the form of beheading are usually carried out by teenagers and adults. However, sometimes there are also minors who commit this criminal act of beheading. The case that occurred in West Nusa Tenggara (NTB), more precisely in the city of Lombok, experienced acts of robbery, murdered the perpetrators of robbery, and was made a suspect by the POLRI. At first the victim was walking home and was blocked by several youths carrying sharp weapons to threaten the victims of robbery. Because the victim wants to defend himself, the victim of the robbery takes forcibly or confiscates the sharp weapon of the robber, and the victim of the robbery kills the perpetrator of the robbery. From the local community who reported the incident, it was found that 2 people had been killed on the road and were suspected by the community to be the victims of robbery as perpetrators of robbery.

However, according to the POLRI investigation, robbery victims simply defended themselves to ensure their safety. So that robbery victims are compelled to murder the robbers for their own protection. Robbery victims are threatened with the commission of murder and may be penalized. As is common knowledge, murder is a felony. However, as a victim of a robbery, there are certain circumstances that exclude the victim from murder charges against the heist's perpetrator. As a result of the circumstances encountered by the victim of a robbery, the victim was compelled to kill the two young men who committed the robbery in order to protect themselves from being robbed, hence it was declared accidental homicide. In the field of criminal law, the grounds for the elimination of crimes, including justifications and excuses, are known. The justification reason is the argument that renders a criminal conduct legitimate. Thus, justification is seen via the lens of action (objective). The cause for forgiveness is a rationale that eliminates the perpetrator's guilt, even when his acts remain illegal. Therefore, since forgiveness is perceived from the person's/perspective offender's (subjective). For instance, the culprit cannot be held accountable for his conduct if he is mad.

¹⁶ Moh ihsan, Muliadi. (2020). Tinjauan Kriminologi terhadap anak sebagai pelaku begal sepeda motor yang menggunakan senjata tajam. *Maleo Law Journal*, Vol. 4, No. 1, pg. 22.

¹⁷ *Ibid.*

Robbery is part of the crime of theft with violence, which is written about in article 365 of the Criminal Code (KUHP), which says:

- 1) Theft that is preceded, accompanied, or followed by violence or threats of violence against a person in order to prepare or help with the theft, or, if caught in the act, to help himself or another participant get away or keep control of the stolen goods, can lead to up to nine years in prison.
- 2) Threatened with up to 12 years in prison:
 - a. If the act is done at night in a house or a house's yard, on a public road, or on a train or tram that is moving.
 - b. When two or more people work together to do the act.
 - c. If you break or climb your way into a place where a crime is being committed, use fake key, fake order, or fake official clothes.
 - d. If the act hurts someone seriously.
- 3) If the act causes death, the person who did it could go to jail for up to 15 years.
- 4) Threatened with the death penalty, life in prison, or a certain amount of time that can't be more than 20 years if the act causes serious injury or death and is done by two or more people working together, along with one of the things in 1 and 3.¹⁸

This crime of robbery is regulated in Article 388 which is categorized as a crime against life, which reads:

“Whoever deliberately takes the life of another, is threatened with murder with a maximum imprisonment of fifteen years.”¹⁹

According to Article 365, robbery is a kind of stealing that poses a risk to both the perpetrator and the victim's safety. According to Article 49 of the Criminal Code, a robbery victim who does not commit murder against the robbery offender is eligible for parole.

- 1) Whoever, in self-defense or in defense of another person's life, limb, or property, does an unlawful act in self-defense or in self-protection of another person's life, limb, or property when there is an immediate and imminent danger of physical violence is immune from prosecution.
- 2) An overly aggressive defense that is the direct result of a severe emotional response to an assault or the threat of an attack is not subject to punishment.²⁰

This article governs the rationale reason for the elimination of the crime, namely that the act of emergency defense is not an act against the law, and thus the perpetrators of such acts are immune from punishment under article 49. A judicial ruling that labels a robbery victim as a suspect might be violating the Constitution as it stood in 1945. The Constitution of 1945 is the supreme law of Indonesia, ranking above all other laws, including statutes and executive orders. It is considered contradictory because it is not in accordance with Article 28G paragraph 1 of the 1945 Constitution which reads:

“Everyone has the right to protection of himself, his family, honor, dignity and property under his control, and has the right to a sense of security and protection from the threat of fear to do or not do something which is a human right.”²¹

By defending Article 49 of the Criminal Code as well as Article 28G of the 1945 Constitution, victims of the crime of robbery can be acquitted of all charges for the murder of the perpetrator of the crime of robbery. The victim also made a forced defense so that he was free from the law. There are similarities between a forced defense (*noodweer*) and a forced defense beyond the limit (*noodweer exces*), namely both require an attack against the law that is equally defended as the body, honor, morality, property, both oneself and others. In addition, there is a difference between the two, namely The maker of surpassing the limit owing to a big shock of the soul in the *noodweer exces*. As a result, the act of defending oneself beyond the limit is still illegal, but the individual is not penalized because of a severe mental shock. Furthermore, the forceful defense that pushes the boundaries forms the foundation for forgiveness. Meanwhile, the *noodweer* is the basis of justification, because it does not exist against the law.²² The case was acquitted also because the public knew the details of the case and heard the notification about the decision issued. The

¹⁸ Indonesian Criminal Code. (2022). Available on <https://www.hukumonline.com/pusatdata/detail/lt4c7b7fd88a8c3/wetboek-van-strafrecht-wvs/document/lt4c7b80e19969e>, Accessed on 14 May 2022 at 13:37 WIB.

¹⁹ *Ibid.* Accessed on 14 May 2022 at 13:41 WIB.

²⁰ *Ibid.* Accessed on 14 May 2022 at 13:52 WIB.

²¹ 1945 Constitution. (2016). Available on <https://www.dpr.go.id/jdih/uu1945>. Accessed on 14 May 2022 at 14:46 WIB.

²² Hukum Pidana. (2018). Available on <https://www.hukumonline.com/klinik/detail/ulasan/lt5ae67c067d3af/arti-inoodweer-exces-i-dalam-hukum-pidana>. Accessed on 14 May 2022 at 14:52 WIB.

public protested and criticized the decision issued. People feel that there are no more regulations that can protect them from the dangers that can occur and be experienced. Therefore, people protest and criticize so that the rules and courts should provide more protection or protection to victims who experience something like this criminal act of robbery. In this way, the human rights of the victims will be maintained and fulfilled because they have been protected by existing regulations.

IV. Conclusions

Robbery is a crime that involves more than just taking things. The economic situation, the social environment of the perpetrator, the setting, and various other elements can influence the occurrence of the crime of robbery. Furthermore, as these initiatives seek to restore discontent that has been disturbed, they are closely linked to coercion. In other words, this effort is to realize an increase in perpetrators of violent theft or community members who violate the law and provide guidance to perpetrators consistently so that they do not commit criminal acts again and if necessary, severe legal sanctions are given so that perpetrators of violent theft do not repeat their actions. This forced defense has been regulated in Article 49 paragraph 1 and paragraph 2 of the Criminal Code with the aim of providing firmness to someone who makes a forced defense, but the defense results in the loss of a person's life. POLRI decided not to give or impose punishment on the victim, because the victim's actions were an act of protecting themselves for the safety of the victim. Then POLRI closed the victim's case, the victim was deemed innocent and released the victim.

Recommendations that can be given by the author from the results of the research that have been obtained are that the crime of robbery is very vulnerable and often occurs when there is an opportunity and an opportunity with some other support. By paying attention to the time when you want to leave the house, going out only for essential purposes, do not pass through a lonely road so as to create opportunities and opportunities for criminal acts of robbery to occur, do not leave the house alone at a time where the possibility of a robbery crime will occur, and stay with someone to help us monitor and also reduce the opportunities and opportunities for criminal acts of robbery. And POLRI must be more assertive and swifter in eradicating the crime of robbery, because only POLRI as a state institution is tasked with securing and protecting the public from a crime.

References

- Anak A. G Agung, A. A. (2021). Perlindungan Hukum Terhadap Pelaku Pembunuhan Begal Atas Dasar Pembelaan Terpaksa. *Journal of Legal Interpretation*, 2(1).
- Hartono, S. k. (2021). Peranan Kepolisian dalam penanggulangan tindak pidana kejahatan pencurian dengan kekerasan (Begal) di Wilayah Hukum Polsek Percut Sei Tuan. *Jurnal Kajian Hukum*, 2(2).
- Hukum Pidana. (2018). Retrieved May 14, 2022, from <https://www.hukumonline.com/klinik/detail/ulasan/Lt5ae67c067d3af/Arti-Inoodweer-Exces-I-Dalam-Hukum-Pidana>, Accessed on 14 May 2022 at 14:52 WIB.
- Indonesia, CNN. (2022). Retrieved May 14, 2022, from <https://www.cnnindonesia.com/nasional/20220415045314-12-785093/pakar-sebut-korban-begal-jadi-tersangka-di-ntb-tak-bisa-dipidana>, Accessed on 14 May 2022 at 12:23 WIB.
- Indonesian Criminal Code. (2022). Retrieved May 14, 2022, from <https://www.hukumonline.com/pusatdata/detail/lt4c7b7fd88a8c3/wetboek-van-strafrecht-wvs/document/lt4c7b80e19969e>, Accessed on 14 May 2022 at 13:37 WIB.
- Khairunnisa, A. (2017). Retrieved from <https://lk2fhui.law.ui.ac.id/aksi-pembegalan-yang-meresahkan-masyarakat/>, Accessed on May 14, 2022 at 20:34 WIB.
- Moeljanto. (2009). *Kitab Undang-Undang Hukum Pidana*. Jakarta: Bumi Aksara.
- Moeljatno. (2015). *Asas-Asas Hukum Pidana*. Jakarta: Rineka Cipta.
- Moh ihsan, M. (2020). Tinjauan Kriminologi terhadap anak sebagai pelaku begal sepeda motor yang menggunakan senjata tajam. *Maleo Law Journal*, 4(1).

- Nanang T. Sitorus, F. R. (2021). Penetapan Tersangka Terhadap Korban Tindak Pidana Pencurian yang Melakukan Pembelaan Terpaksa (Noodweer) Dalam Hukum Pidana Indonesia. *Riau Law Journal*, 5(2).
- Natasya V. Leuwol, L. J. (2019). Begal-Perilaku Menyimpang Masyarakat Yang Dilakukan Oleh Remaja. *Akrab Juara Journal*, 4(3).
- P. A. F Lamintang, T. L. (2009). Delik-Delik Khusus Kejahatan Terhadap Harta Kekayaan. Jakarta: Sinar Grafika.
- Religion, D. o. (2009). Qur'an and Its Translation. Jakarta: Pustaka Al-Kautsar.
- Rusmiati, S. ". (2017). Konsep pencurian dalam Kitab Undang-Undang Hukum Pidana dan Hukum Pidana Islam. *Syiah kuala law journal*, 1(1).
- Sirait, T. Y. (2021). Retrieved from <https://moeldoko81.org/2021/09/07/kasus-pembegalan-pencurian-motor-pro-bono/>, Accessed on May 14, 2022 at 20:13 WIB.
- Zainudin Hasan, R. A. (2020). Penanggulangan Kejahatan Begal dalam Perspektif Kriminologi. *Jurnal Hukum Malahayati*, 1(1).
- 1945 Constitution. (2016). Retrieved May 14, 2022, from <https://www.dpr.go.id/jdih/uu1945>, Accessed on 14 May 2022 at 14:46 WIB.