

The Collective Violent Crimes of Begal Motors in Criminological Perspective

Murniati Saloko¹
Faculty of Law Tadulako University

Abstract

Nowadays, one of the crimes that is trending topic in Indonesia is a violent crime that committed in a groups, which done by young people and an adult in committing a crime using a motor cycle, it called the motorcycle robber or begal motor. It committed are generally conducted either openly or silently operation on the highway or in public places, perpetrators are usually two or more people to commit crimes such as speeding on the streets of highway, a wild race on highway, a fight between groups, feasting while drinking alcohol and using drugs, armed robbery, robbing, raping, torturing, snatching, theft with violence, tampering with other people, killing, disturbing public order and some other actions that can be categorized as a crime. Various factors that causes a person to commit such crimes, among others; economic factors, family factors, educational factors, media factors, religious factors. These factors are not independent factors, but between the factors with other factors are affect each other. The efforts that have been done for preventing and combating violent crime of collective begal motor, either in the form of efforts Pre-Entif, Preventive and Refressif by the police and other interested, but the crime remains the case, so the effort must be done even be improved by involving all levels of society.

Keywords: Crime, Violence, Robber, Pre-Entif, Preventive, Refressif.

A. BACKGROUND

Crime is not a new thing in human life and the existence of crime will always be there until the world ends. Until now, various shapes and patterns of crime have fulfilled the pages of history of human civilization, ranging from the smallest to the large and increasingly disturbing the public. So far there is no denying that the progress of science and technology and the human mind also have potential to cultivate new forms in the crime was an act of anti-social negative impact in social life, and when the growth of crime is much more rapidly than an effort in law to anticipate.

The increasing of effort in law enforcement that have been implemented always have raced with increased and new forms of crime that occurs, so that the face of rising form of crime and modus operandi diverse of crime, law enforcement officers are required to act more precise, accurate, and complete, with hopes of law enforcement can be more effective in preventing and combating crime happened. Various efforts, money, energy, time and thought has many devoted to preventing and combating various forms of crime which is a joint effort of government and society, but in reality, it has not brought the results as expected.

On the issue of crime, violence often is complementary to the shape of a crime, has even formed a distinctive feature in the repertoire of the study of crime. Considering the violent is a crime that occurs along with human life itself all over the world, regardless of nationality, race, culture, gender, age, level of education, employment and other social status. So is the time and place can happen at any time and anywhere.

The crime as violence that happened in society can be categorized as crimes of violence directed against specific groups, and can also violence directed against someone or individually. Similarly, the actors do both men and women that can be done individually or carried out jointly or in groups (collectively) and the culprit children or adolescents and adults, both women and men.

Based on some modes of Violent Crime lately that became a phenomenon that often occurs in society who can be known directly and through the mass media is the violent crimes committed in groups, the culprit is either classified as teenagers and children as well as adults often termed a *gang begal motors*² such as racing on the streets, fights between groups, partying, drinking alcohol and using drugs, rob, rob, rape, molest, grab, damaging other people's things, killing and some other acts that deviate from normal behavior.

Various assumptions that the public reaction to the behavior of perpetrators is violent crimes collectively, many factors that can be the cause of the crime of collective violence committed by members *begal*

¹ Doctor and Lecturer of Law Faculty, Tadulako University, Research fields: Criminologi.

² Gang is a group of ordinary people who perform acts forbidden. The group was formed immediately and integrated through komplik and the group incurred a special culture that is contrary to the common public culture (Soerjono Soekamto and Pudji Santoso, Dictionary of Criminology) Motorcycle gang 1985. The term is not found in the dictionary term or scientific terms, only people giving cap that they are gangs in their daily activities or in the performance of two-wheeled motor vehicles to wear. The term robber (dictionary Indonesian) is defined as, stubborn, stubborn, brash, rogues, blasted, common criminals and robbers. Begal Motor is a stamp or label or name given to the community for those who commit crimes using motorbikes, which are generally in groups (offender more than one person) the perpetrators were not originated from a group of gang terorganisir and my head of a gang organized.

motors, both individually and in groups is caused by various factors, among others, economic factors, age, family, social status, educational factors, environmental factors residence, social environment factors, technological progress factors and factors of mass media / social media and other factors that may also affect.

Based on the phenomenon and the assumptions described above, then it can be a major issue in this matter, even the existing provisions regulating and prohibiting all forms of acts of violent crime committed both individually and in groups, but it still happen, so we need studied in criminological perspective about these factors that causes of the violent crime, other forms of crime, so as to be relevant to the prevention and mitigation.

B. RESEARCH METHODS

Criminology is a science that is descriptive (portrait) and empirical (based on the real thing and not normative), although in the study of objects that criminality may not be determined without measures based on public votes and legislation. This research of this type is empirical-sociological of criminological which aims to assess and analyze the problem of crime as a problem of human behavior, the type and nature of this study research-oriented to the problem identification which aims to identify problems relating to crime collective violence committed by the robber *motors*. The research using criminological approach, namely the descriptive approach, and causality descriptive is an approach by way of observation and data collection related to the facts of the crime and the offender. Approach to causal or causal approach ". in criminology in every happen in community there is a social event and in every social event there is relationship between one to one another and it is the result of other social events.

The social phenomenon called causality or causal between each social event. The causal link within the criminology sought is to find an answer to the question why a person committed a crime. Determination of the location of the research is based on considerations in the town of Palu, found many cases of violent crimes committed collectively *begal motor* and is a crime that is quite prominent at the moment and the number of cases is likely to increase both in number and *modus operandi*.

C. LITERATURE REVIEW

1. Study of Criminology

A French Anthropology named Paul Topinard¹ (1830-1911), who gave the name of criminology for the first time, which is etymologically derived from the word "crimen" meaning crime and "Logos" which means the science, the science of criminology can mean about crime.

W.A.Bonger,² Criminology is a science that aims to investigate the symptoms of crime the widest (or pure theoretical criminology). Based on his conclusions,, besides that drafted practical criminology. Practical criminology is a science that is based on the experience as similar science, pay attention to the symptoms and try to investigate the causes of these symptoms (aetiology) in his ways. Noach³, argued that criminology is The Science of crime deeds and despicable behavior concerning those involved in crime behavior and misconduct that.

According to Sutherland⁴ formulate that " The Body of Knowledge regarding crime as social Phenomenon," criminology as a whole science concerned with the crime deed as a social phenomenon. According to him, criminology includes the processes of making law, violation of the law and the reaction to violations of the law. so that by it is divided into three, namely: the sociology of law, the science of the development of law, law etiology is trying to do the scientific analysis of the causes of crime, penology is concerned over the repair inmates. According to Bonger⁵ criminology divide into six (6) branches namely, Criminal anthropology, the science of human crime (somatios), and this knowledge gives an answer to the question about the evil in his body has signs like, for example, whether there relations between ethnic groups with a crime; Criminal sociology, the science of crime as a symptom of society, the main point in this science is, to where the location of the causes of crime in society; Criminal psychology, the science of criminal viewed from the angle of his soul; Psychopathology and neuropathology crime, which is a science of mentally ill criminals or nerves; Penology, the science of the development of punishment in criminal law.

Broadly, criminology⁶ is defined as the science that covers all the material necessary knowledge that get the concept of crime as well as how to do crime prevention including in understanding of criminal or punishment. Field of science that became the focus of criminology and criminology object study, include: First: the sociology of law that focuses more attention on the object of study of criminology, namely crime, by studying things;

¹ I.S. Susanto, "Kriminologi" Genta Publishing, 2011, hal.1.

² Abintoro Prakoso, "Kriminologi dan Hukum Pidana" Laksbang Grafika, Jakarta, 2013, hal.9

³ Abdussalam H.R., "Kriminologi" Restu Agung Jakarta, 2007, hal.8

⁴ Yesmil Anwar dan Adang, Kriminologi, PT Refika Aditama, Bandung, 2010. hal.xviii.

⁵ Ibid., hal. 7-8.

⁶ Ibid., hal. 13

associated with the condition of the formation of criminal law, the role of law in realizing social values, as well as the condition of empirical legal developments. Second: criminal etiology focusing more attention on the object of study of criminology, the criminals, are studying the reasons for someone of breaking the law or committing a crime while others do not. Third: Penology focus more attention on the object of study criminology, namely social reaction, by studying things that are associated with the development of a punishment, meaning and benefits relating to the “control of crime.” Fourth: victimology that focuses more attention on the object of study of criminology, the victims of crime, by studying things that are associated with the position of the victim in the crime, the interaction that occurs between the victim and the criminal, responsibility of victims before and during the crime occurred¹.

Based on the notions of criminology, then criminology is the science of investigating crimes, as well as aspects including the crime, namely the crime, but those who commit crimes and acts that got the public reaction where acts are considered as symptom’s that arise in the community is seen as a crime, including how efforts to prevent and mitigate them.

2. Construction Crime

Scientists have given some notion of crime that different between each other, it will put forward some notions of crime as follows:

a) Crimes By Juridical

Definition of judicial crime that restricts the notion of violence as the action set by the state as offenses under criminal law and threatened with sanction. The crime within the meaning of the juridical system can be seen in the legislation ie in the Code of Penal (Penal Code) and some enactment other laws.

An action can be termed as a crime, so the act of a person's behavior must have been explicitly formulated in a law previously as an act that is prohibited or criminalized. And all the acts that although it has been impaired, but the action was not prohibited in criminal law, then the act was not a crime.

b) Crime In Sociological

Mulyana W. Kusuma,² formulate that sociological definition of crime, namely: “ Understanding the sociology of crime a more comprehensive view of the law because in addition includes the action contrary to the morals of humanity, to the detriment of society has been formulated and has been designated in the formulation of laws, too covers all human behavior which, although not yet or not is determined by laws as acts that are not prohibited, but the essence citizens perceived attack or harm or hurt the feelings of decency in a common life.”

Topo Santoso and Eva Achjani,³ wrote that: “ In sociology of crime is a human behavior that is created by the community. Although people have a wide range of different behaviors, but there are in it certain parts which have the same pattern. This situation is possible because of the system of rules in society.”

From that argument, the sociological notion of crime is much broader than the juridical sense. What are legally not considered a crime, but sociologically an act can be considered a crime, because in the view of sociological considered crimes are acts that are contrary to morality.

c) Crimes In Criminological

Criminologists leave anyway understanding of crime, that crime is deviant behavior. Deviant behavior as a social process that is thought to occur as a reaction to one's social life. Van Bemmelen,⁴ see no violence in terms of criminology, for him he does not matter whether the act was in violation of the criminal provisions or not. Criminology theory crime view that contrary on the assumption that deviant behavior is referred to as a crime, while the size of aberrant or not an act as a social process is thought to occur as a reaction to the social life of the community.

M. Mustafa,⁵ Crime as one of the main research object of Criminology, so the crime is defined as a pattern of behavior that is detrimental to the community, both physically and materially, either as formulated in the law or not. Furthermore, a behavior that would be categorized as a crime or deviation behavior is disallowed by public perception rather than legal restrictions (criminal). The extension of the notion in crime and from the notion that the juridical to the sociological and criminological actually stems from the expansion of the views on the definition of criminal offenses, whether they be social cause annoyance, disobedience in society, according to sociological/criminological crime was an element of feeling ethics (sense of propriety) that may offend or hurt the feelings of social of certain social groups in society.

Some experts opinion about the crime can be said that the collective violence perpetrated by groups *begal motor* is a form of crime both in terms of jurisdiction because the forms deeds regulated and prohibited in various legislation and the point of view of sociological and criminological, although if not prohibited in

¹ Ibid.

² Rena Yulia, “Viktimologi Perlindungan Hukum terhadap korban kejahatan” Graha Ilmu Yogyakarta, 2010, hal.25.

³ Topo Santoso dan Eva Achyani, “Kriminologi” PT. Radja Grafindo, Jakarta, 2001 hal.15.

⁴ Muhammad Mustafa, “Metode Penelitian Kriminologi” Fisip UI Press, 2005, hal.5.

⁵ Ibid., hal.6.

criminal law positive, people still think that the deed should not happen in the life of society.

3. Construction Criminals

The Code of Penal (KUHP) does not formulate a clear understanding of criminals, but in general, said criminals are people who have committed crimes. In general, people believe that criminals are only those who are still in prison as a convict said as criminals, and indeed in Juridical, someone who has violated the rules of criminal and had been found guilty by the courts can be regarded as criminals and those who have served commonly referred to as former criminals.

According to Muhammad Mustafa,¹ that criminals as those who commit acts the ontological crime cannot be separated from the concept of criminology crime. When using the concept of criminal law, any person found guilty by the court because they commit the crime will be referred to as criminal. In criminally, the concept of criminal different from law concepts, so that in it referred to criminals if their behavior persistently.

Crimes committed are a character of the person. The nature of the behavior persistently means their behavior has become a character and a behavior that is done repeatedly. The sedentary nature need to be distinguished from the nature of situational behavior or not settled. The nature of situational behavior means that the nature of the behavior appears in situational circumstances only, and the possibility of repetition of such behavior is very small.

Sutherland,² recognizes the importance of the court decision but according to the goals of science we should not be bound by the decisions of the court, just when we know that an act is a crime and that there was a person who had committed the act. The responder is what the criminal, maybe he was caught, he might not. Maybe unknown may not (Unapprehend criminals at large-white collar criminals).

4. The collectively Violence

According to Indonesian Dictionary (KBBI, 2001), gang means a group or a gang of teenagers who motivated by common social background, school, district, and so on. While the *motor* in dictionary Indonesian interpreted as a noun into propulsion. The culprit is known as a gangster. A word derived from English, gangster. Gangsters or bandits means a member of a criminal gang organized and have a habit of reckless and anti-rule (Wikipedia Dictionary). And *begal motors* itself based on the fun activity on motorbike. Generally their presence in every major city and its behavior has become an acute social ills.

Yamil Anwar Adang argued that (2010: 391): Geng delinquen grow and develop in the major cities, and is responsible for many crimes in the form of theft, destruction of property of others, deliberately violating and disobey to adult authority and morality are conventional, commit the acts of violence to terrorize the neighborhood, and others. In general, teenagers have a very aggressive nature, like fight with anyone without an apparent cause, with the aim simply to measure the strength of the group itself, as well as making a scene in the middle of a neighborhood.

Based on the above, the characteristics of gangs, the number of membership is approximately between 3-40 teenagers, rarely consist of more than 50 teenagers; more gang members consist of children boys than girls, although there are also girls who are in it. In terms of the notion there is a difference between a *begal motors* with user groups motorcycle (motorcycle club) that must be understood by the public. Muhammad Mustaqim discuss about these differences. The difference is the motorcycle club is a group that carries the brand or specific tools formal organization to become members of motorcycle clubs and the activities away from the things that negative perception. This contrasts with many kinds of *begal motors* activity tend to be negative as stealing, brawling, to persecution and even murder. While in terms of understanding, a *begal motor* has a sense simpler than the motor club, because it is a collection of the *begal motors* enthusiasts regardless of the motor driven.³

Most of the gang was originally a group undertaking joint activities to seek new experiences to stimulate their souls. Also neutral game and pleasing, over time their behavior became increasingly wild and uncontrollable, is outside the control of adults. Then transformed its actions into violence and crime. Proficiency and advantages when compared with the other group members. To show its existence, the gang then determines its own operating area. Deliberately then raised a lot of quarrels and fights between gangs in order to fight social position in the gang. Many quarrels and fights off were expected to foster esprit de corps, which is compliance and awareness requires every member to be something that cannot be separated from the gang, with loyalty and absolute obedience.

According to Collins it is very influential in the process of identifying gang is the phenomenon of social exclusion. Reason admitted as a member of the gang was to confirm the existence of social and protection on continue. In general, young people who claimed to be members of the gang will tend to antisocial and criminal behavior than those who do not profess to be a gang member. The invitation to join a *begal motors* is caused

¹ Ibid, hal.15.

² Punianti dan Moh. Kemal Darmawan, "Mashap dan Penggolongan Teiri dalam Kriminologi" PT. Cipta Aditya Bakti Bandung 1994, hal.11.

³ Kartini Kartono, 1986, Patologi Sosial Kenakalan Anak, Jakarta Utara, Rajawali Pers, hal.14.

some factors. Among other things, first, teenagers or students are tempted by convoy activity held after school study time. Second, mandate to join because of the threat of beatings and extortion by senior members gang motorcycle that had existed before in the school or district where they stayed. Third, the frustration caused the broken family. Fourth, the need for self-existence in the neighborhood or school play due to unstable psychological condition like feel alienated from the environment, feel inexperienced, awkward in the mix, and aggressiveness to try something that's new, fun, and unique.

In the gang then appear own language with the use of special words and terms that can only be understood by the gang members themselves. Of the entire group was subsequently emerged a pressure on all members of the group, so that each individual would respect and comply with any orders that have been determined.¹ Gradually, the gang will arise clash to fight certain social roles. Then, spontaneously one or several prominent leaders come, whose occurrence through much conflict and power struggle against his peers or by doing things that are dangerous. This leadership position is largely determined by the quality of the individual, namely by some skills and advantages when compared with the other group members.

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In the dictionary of Indonesian (1989: 425) defines: "Violence is defined by something nature, distinctively, the act of a person who caused the injury or death of another person, or causing physical damage or goods of others, or there is no compulsion." Romli Atmasasmita,² (2007: 66) writes that "violence (violence) refers to the behavior that must first be contrary to law, either in the form of threats just as well have been a real action and have consequences of damage to property or physical or causes death to a person. But in the perspective of criminology, violent behavior sulking at varying both the motives and the actions such as murder and rape.

The collective violence, means that a group of individuals who belong to a group that violence together for the benefit together. According to Muhammad Mostofa³, collective violence can be grouped into three (3) categories: Primitive collective violence, collective violence reactionary, modern collective violence.

- a) Primitive collective violence are generally non-political scope is limited to a local community group, for example, such as vigilante, with in the form of beatings and mistreatment of a person who is caught committing a crime in the area.
- b) Collective reactionary violence, usually a reaction to the ruling, the culprit is not merely a local community. But also feel concerned with the collective goal against a policy or against the system that are considered unfair or dishonest.
- c) Modern collective violence, violence to achieve the goal of economic, political and of an organization that is structured and well-organized, such as violence in labor strikes, politic violence, terrorism and other organized violence.

According to Jack D. Douglas and Frances Chaput Waksler,⁴ In general, collective violence arise from the concrete situation which is preceded by sharing ideas, values, goals and problems together in a longer period of time. Problems together is the most important factor and can involve feelings of danger, revenge and anger. Furthermore, Jack D. Douglas & Frances Chaput Waksler⁵ show many levels theories that have been developed and the problems that arise when attempting to explain the various forms of violence. Furthermore, he suggested forms of violence collectively the, namely acts of violence perpetrated by members of the group simultaneously as in war, riots and panic, or in the broad sense of collective violence carried out by the mob (mob) and crowd (crowd) and in the strict sense do by gang violence and for collective and individual violence remains a violent form of attack by hitting (assault and battery), murder (Homicide) and rape (rape) and suicide (suicide).

Violence by Johan Galtung is divided into three dimensions of violence; Galtung formulated three ideal types of violence, namely structural violence, direct violence and cultural violence. Direct violence are often based on the use of power resources (resource power). Here the concept of violence by Johan Galtung (Susan Novri 2009: 111):

¹ Mulyana Kusumah, 1981, *Aneka Permasalahan Dalam Ruang Lingkup Kriminologi*, Bandung, Alumni, hal.97.

² Ramli Atmasasmita, "Teori dan Kapita Selekta Kriminologi" PT. Rafika Aditama, Bandung, 2007 hal.66

³ Op.Cit., hal.413

⁴ Ibid., hal.412.

⁵ Thomas Santoso, "Kriminologi" PT. Raja Grafinda, Jakarta, 2002, hal.9.

a. Structural Violence

According to Galtung injustice created by a system that causes humans are unable to meet their basic needs (human needs) is the concept of structural violence. Violence of this model can be demonstrated by a sense of insecurity because of the pressure the military institutions are based on the policy of authoritarian politics, unemployment as a result of the system does not receive the human resources in the environment, racial or religious social structure or politics to the absence of the right to access education free and fair. Also, people die of starvation, unable to access health is the concept of structural violence.

The example in Indonesian history, the Dutch colonial government never gave the right to education in indigenous communities. Only the certain circles of the indigenous population who have access to the school, the nobility who have lands plantation and cooperate with the colonial government. Structural violence during this period can be seen in areas industry that did not involve the local community in the process industry, for example, the industry in Papua with Freeport company which mining of cooper and gold, Freeport that have exploited the natural with the natural wealth with the wealth abound do not increase the basic needs of the surrounding community. This problem departs significantly from the non-involvement of the community's role in the industry Freeport citing lack the skills or expertise that is adequate for the industry. Because it does not engage in or to access jobs in the industry in Freeport, then the people have no income to meet their basic needs, such as health dab of quality education. A sense of security was also often disturbed due to oversight of military institutions against their movements in relation to the industry Freeport was very strict.

In other cases, the structural violence against to Chinese ethnic. Until 2003, there is still a legacy of the New Order regime 64 rule that limits movements and explication of Chinese culture has not been revoked. There are suggestions that the institutionalization of discrimination is merely a continuation of the Dutch colonial era, a variety of rules that discriminate to Chinese ethnic is clearly a structural violence. Even when there is ethnic Chinese to make good reputation in the name of Indonesia in the International arena in badminton, they still had trouble getting identity card or naturalist in Indonesia.

Indeed structural violence would be the oppressed people and social groups that realized the difficulties of life. At a high level of violence can kill a human, as a result of hunger and health are not assured yet seem so abundant its wealth. The price of drugs that are too expensive cause of the poor cannot afford it. Inability to buy because they donot have chance to get a job from the country's abundant wealth. We can if there are poor people Indonesia who died of illness, without obtaining access to health care is a result of structural violence.

b. Direct Violence

Direct violence (direct violence) can be seen in cases of battering a person against another person and causing injuries to the body. A riot that led to the people or communities injuries or death of the invading other group is a direct violence. Threat or terror of a group that causes fear and psychological trauma is also a form of direct violence.

In direct violence is no relationship between subject-action-object as we see in someone who has injured another person with violence. Some cases of violence in Indonesia may be instances of violence directly from individual to another individual or group to another group. Some examples of violent conflict could be violence directly, such as violence between ethnic Dayak and Madurese in Kalimantan, between Ambonese Christians and Muslims, the kidnapping of journalists by separatist movements in Aceh and Papua, the torture of activists democratic movement by the military, the public against those suspected witches, and a variety of other direct violence cases.

c. Violence Culture

Culture of violence can be referred to as a motor of structural and direct violence, as a cultural trait could appear in two types of violence. Cultural violence is seen as another source of conflict types through the production of hatred, fear and suspicion. Sources of this culture of violence can go on ethnicity, religion or ideology. Galtung emphasizes the significance of cultural violence that he meant not mention culture as a whole system, but aspects of the culture. Galtung defines violence culture, "cultural violence are aspects of culture, space symbolic of the existence of human society-is exemplified by religion and ideology, language and art, empirical science and formal (logical, mathematical) that can be used to justify or legitimize the structural and direct violence.

Some understanding of the above, it appears that violence is a behavior that must be contrary to the laws of either the threat just as well have been a real actions and consequences both real and unreal to the objects, entities or psychic person, and in the perspective of criminology violence refers on measures other than conflict with the law are also perceived as behavior deviated by society.

5. Contributing Factors to Crime Occurrence

Nowadays there is none theory that explains the factors which are considered the most dominant cause a person committed a crime, so that law and criminology experts give different opinions about the factors that cause crime. A. Karim Nasution¹ found, the causes of crime are various. Although it clearly can not be given a theory on the

¹ Ninik Widiyanti dan Pandji Anoraga "Perkembangan Kejahatan dan Masalahnya ditinjau dari Segi Kriminologi dan Sosial"

causes of crime, but many factors have been identified, which is somewhat correlated with the frequency of occurrence of the crime. These factors can be roughly classified into three categories, although the demarcation between them is not always clear, namely:

- a) The first is the social conditions that give rise to things that are detrimental to human life. Widespread poverty and unemployment: equal distribution of wealth that has not been successfully implemented, providing inadequate compensation to people whose land was taken by the government, lack of educational facilities and others.
- b) The second is a condition brought about by urbanization and industrialization.
- c) The third is environmental conditions that facilitate the crime.

Furthermore, he said that “ during the three categories of social and humanity is a major factor in many crimes today, the business of crime prevention is widely performed and not simply rely on the system of criminal justice.” Sutherland,¹ said: “ Crime is the result of factors diverse and sundry and even those factors today and in the future can not be organized according to a generally accepted provisions without any exceptions, or in other words to explain criminal behavior is no scientific theory.”

In determining criminology factors or the factors that contributed to the crime in the community may be made through a multiple factor because it considered this approach better than the other approaches, as presented by Sheldon Gluck² as follows: “ The approach of multiple factors are most illuminating and very variety match the natural properties of the original in the crime. Variety in a wide variety and intensity affects the soul of humanity and physical-related crime, variety in the behavior of the action, the mental state and a sufficient mechanism in the concept of a single legal from these crimes not only acknowledge the facts wider variation in the influence of the weight and the combination of traits and the factors and causes of crime, but also admits that while there is a core type of crime offenders there is also a variety of fringe types or sub-types.”

6. An Efforts to Prevent And Combating Crime.

In prevention and crime prevention in general there are three ways in which the law enforcement officers, namely:

- a) Pre-emptive prevention efforts, defined as preemptive prevention efforts, are initial efforts by the police to leave the prevention of crime so it is common to early prevention efforts. Attempts were made in pre-emptif prevention is to instill the values or norms that good so the norm that integrated in a person, although there is a chance to do a crime or offense but there is no intention to commit a crime or offense.
- b) Preventive control efforts. What is meant by preventive control efforts are a continuation of the pre-emptive effort that aims to prevent, reduce and eliminate crime. In this effort the emphasis is to eliminate the opportunity for the commission of these crimes.
- c) The efforts repressive, defined as reduction repressive is the work done authorities after the occurrence of a crime such as action against the perpetrators in accordance with the deeds and conduct training to the agents that he was aware that the deed has been done is against the law and hurt himself and harm to the community, so that after they returned to the community did not do the crime anymore.

Prevention and control of crime is the scope of the rule of law, then we will see how the extent of the discussion in the law, as it includes things that are directly and indirectly to the people who were involved in the field of law enforcement. But what is meant by the rule of law here is more specific about the problem of law enforcement not only includes “law enforcement”, also includes “peace maintenance.” The people who are involved in law enforcement issues in Indonesia are among the police, judges, prosecutors, lawyers and jail. Police institutions, judiciary, prosecutors, lawyers, prisons are the law enforcement agencies. Law enforcement is very dependent on the effectiveness of the role and function of all these institutions. Law enforcement is the process of doing an effort for the establishment or the functioning of legal norms significantly as a code of conduct in terms of traffic or legal relations in the society or the state (Asshiddiqie, tt: 1). Wayne lafave in the book Soerjono Soekanto (2008:7) also describes the rule of law as a process, is essentially an application of discretion concerning the manufacture decision that are not strictly governed by the rule of law, but have an element of personal judgment.

Law is not just a mere collection of rules of conduct, but also a manifestation of the concepts, ideas, ideas and social ideals of the ideal pattern setting system and organizing community life. This was clearly reflected in the concept or the ideals of social justice, welfare living together, order and peace of society that has been organized in a democratic system. Ideal pattern control system and organizing people's lives by means of this law covers all aspects of society, both in the social and cultural fields as well as in economic and political fields. in this context, the law is a guideline to behave in society.

As explained earlier that the law enforcement field not only includes law enforcement, but also peace

Pradaya Paramita, 1987, hal 54.

¹ Hari Schoradji “Anti Kekerasan” Grafika Jakarta, 1980 hal 35

² Soedjono D “Sosio Kriminologi Amalan Ilmu-ilmu Sosial dalam studi kejahatan” Sinar Baru Bandung, 1984, hal.108.

maintenance. Law enforcement in the field is more directed to law enforcement agencies or law enforcement. Sociologically, according to Soerjono Soekanto (1983:19-21) each has a law enforcement position (status) and role (role). The roles of these institutions can be translated into the following elements:

- a) The role of the ideal (ideal role);
- b) The role that should (Expected role);
- c) The role of a well-regarded (perceived role);
- d) The role is actually done (actual role).

Rule of law is supreme to be followed by people in social interactions, and by the state authorities in the administration of state and social life. Keep in mind, that the law is not a value-free rule, where the benefits and harm to the human subject or person executing apply. But the law is a value-laden rule, determine its identity, hopes, and ideals. In short, the law has its own logic, its own will and its own purpose. However, the law can not realize his own will, his will, because he is just a rule. Therefore it takes a human presence to realize (law enforcement officials). By way of viewing the law as it is, then the rule of law (law enforcement) is not just a formal mechanism to enforce a rule of law, but also to seek the embodiment of the values contained in the primacy of the law. Law enforcement only rely on formal procedures, without directly links to the spirit behind the birth of the rules of law, make the law enforcement process will take place in a very mechanistic. Though lawsuits not only the institutionalization of procedures and mechanisms, but also on the application of substantive values.

In the process of social change, the factors that affect the working of the law in society is not only internal factors in the legal system itself (legal, personnel, organization, facilities), but also external factors outside the legal system, such as the social system, politics, economics, and culture. See the above facts, it can be said that the law very closely with the community, therefore the relationship between the law and law enforcement each other very intimately. This is according to a statement stating that the law sociologically it is very important, and the social institutions (social institution) which is a set of values, norms and behavior which revolves around the basic human needs.

Based on the above it can be concluded that the main problem lies in the law enforcement factors that may affect it. These factors have the meaning neutral, so that a positive or negative impact lies in the content of these factors. These factors are as follows (Soerjono Soekanto, 1983: 78):

- a) Factors of own law;
- b) Factors of law enforcement, the parties will establish and apply the law;
- c) Factors of facilities means or to support the rule of law;
- d) Factors of society, ie the environment in which they may apply or applied;
- e) Cultural factor, ie as a result of the work, creativity, and a sense that is based on human initiative in social life. These five factors are related to each other tightly, because the essence of law enforcement, also the measurement of the effectiveness of law enforcement.

DISCUSSION AND RESULTS

A. Profile of Violence Crime Collective Carried by *Begal Motor* in Palu

Based on the results of authors¹, to see the crimes committed by *Begal Motor* quantitatively that occurred in Palu, it can be seen from the data reported crimes in Palu City Police between 2013 to 2016 obtained a description as follows:

- 1) Case crime is reported, the number of crimes from 2013 to 2016, there were 1038 cases. Of these there are 460 cases of crimes committed by *Begal Motor*. Here it appears that the number of crimes committed by *begal motor* does not vary much with the number of crimes committed the other group.
- 2) The number of crimes committed by *Begal Motor* appears there is increasing from year to year, namely from the year 2013 there were 92 cases, in 2014 there were 97 cases, in 2015 there were 108 cases and in 2016 rose sharply to 163 cases.
- 3) The type of crimes committed *begal motor* is the most prominent disturbing public order No 87 cases, there were 74 cases of muggings, there are 65 cases of light maltreatment, there were 44 cases of mugging, armed with sharp weapons, there are 43 cases, there were 38 cases of severe abuse stealing vehicle motorized, there are 37 cases, the destruction of the goods of others, there were 32 cases, theft by weighting there are 21 cases, there were 14 cases of beatings, rape and murder there were 3 cases 2 cases.

B. The Characteristics of Collective Violence Crime committed by the *Begal Motor*

The characteristics of collective violent crimes committed by *Begal Motor* in Palu, Central Sulawesi, does not have its own based mode. The characteristics of the crime, so it does not have difference mode with crimes

¹ Murniati Saloko, 2017, "Kajian Kriminologis Terhadap Kejahatan Kekerasan Kolektif yang dilakukan Begal Motor di Kota Palu", Penelitian Mandiri, Fakultas Hukum Universitas Tadulako, Palu.

committed other crime. That crime that does not arise suddenly and does not constitute alone without the influence of other factors that influence each other which can cause various types of crimes with modus operandi may vary from one region to another.

Especially in Palu, collective violent crimes committed *begal motor*, both of which are reported to the police or not reported and that often done in the community and become a phenomenon of today can be described as follows:

- 1) The actors who are members of the *begal motor* in their action are generally done collectively and like crimes either secretly or openly and generally acting rude and cruel to his victims.
- 2) Criminals are incorporated in the *begal motor* knows no age limit as there are still classified as children, adolescents and together with adults, so the form of the act of doing can be classified as a juvenile but although players still teens, but has do anything that can be categorized as a crime because, see the shape of their actions, namely; The act which consequently can cause loss of life and or property such as; stealing, armed robbery, seizing the goods of people, break people goods, injuring and killing others.
- 3) The perpetrators who carry out actions in general in performing actions which either individually or collectively (not joined in a gang) or they come from gangs, and in the act always wear a two-wheeled motor vehicles, so that people put a stamp or labels, that they are a group of *begal motor*.
- 4) Form the crimes they committed are still included forms of conventional crime usual ordinary criminals, such as theft, muggings, robbery, and even murder but only in the act they commit a crime in group (actor more than one person) with driving two-wheel motor vehicles.
- 5) The perpetrator in the crimes they chose the location far from where they stayed, in order that are not easily recognized by the local community.
- 6) A person belonging to a gang in the act usually have the support of the group, making it easier in the act, and if successful he will receive praise from his group.
- 7) The establish *begal motor* crimes committed, whether committed by individuals (principals only 2 people), as well as a group, which they think is not a crime but its own lead to crime because they were disturbing public tranquility, such as drunkenness and disturbing people on public roads, sloppy appearance or reckless on the roads, a wild race and strikethrough / damaging traffic signs, street lights and throwing others.
- 8) In robbery crime or stealing crime they tend to choose the victims were drive alone in quiet place, women or children, assuming no easy fight/fear against the perpetrator.

C. Collective Violence Crime Mode By *Begal Motor*

By looking to the crimes committed *begal motor* that are either caught or captured (reported to the police) the modus operandi is:

- 1) Disturbing public interest. In this crime are usually by wearing motorcycle carried out in groups of highway that disturbs the smooth traffic, annoying people on the highway, or make a noise in public places such as fights in groups in public places, do a wild race on the highway nice fellow gang members as well as with other gang members, using or not using the money bet.
- 2) Grabbing is done by the riders of two-wheeled motor vehicles or pedestrians, and they perform an action on a motorcycle with a view to make it easy in their action or escape after committing a crime.
- 3) The hold-up and Deprivation, are the kinds of crimes they did hold-up and then doing the deprivation of motorcycles or other items that brought the victim by threatening the victim and is usually done on a deserted highway and at night the day.
- 4) Theft is done ordinary theft, theft with violence, theft by weighting, especially motor vehicle theft, carried out during the day and at night, especially against a parked motorcycle, and performs an action by using a false key.
- 5) Heavy Persecution and light maltreatment. This form of crime is done to the victims because there is a small problem for example admonish victim do not disturb others, and most often occurs when the victim put up a fight, or run into obstacles in the act. So they made attacks on the victim, such as hitting the victim, kicked the victim in order to fall, even injuring the victim with a sharp weapon.
- 6) Murder is a form of crime is also done when the victim put up a fight or trying to maintain his property, which although initially perpetrators persecuted victims such as hitting, kicking or injure the victim, but there are caused fatalities.
- 7) The act of a moral. The act of a moral here is that they approach the female victims were walking, or a woman who wears a motor vehicle, in which the offender holds a certain part of victims, and the perpetrators fled. Here, the victim usually does not shout or report because of embarrassment over what happened.
- 8) sharp weapons. In general, the actors of *begal motor* in their daily always carry a sharp weapon or tool-tool for use during the crime, such as daggers, knife cutter, screwdriver, pliers, false key versatile, small crowbars and machetes.

D. The Contributing Factors Of Violent Crime Collective The *Begal Motor*

Some criminologists have conducted research to uncover the crime as a social reality, that has developed along with the development of the man himself and the crime is an event abuses against norms or behaviors regularly that causes disruption of order and peace of human life so that the behavior of such commonly referred to as a crime.

The causes of crime is already a lot of people identified through scientific studies and other research, with a variety of scientific viewpoints, so there is no existing the same agreement. Accept the same agreement that is crime can be caused by various factors related or influence each other and should examined thoroughly, if it wants to be prevented or overcome.

By looking at the types of crimes committed by *begal motor*, it appears that a variety of factors that helped influence the cause of a crime. And some of the factors that influence each other, namely:

1. Economic Factors

The existence of the inharmonious in a person's life can cause interference in the fulfillment of their basic needs which is cause them to do the effort to fulfill needs that are not in accordance with the norms and behavior of the existing order. To see the forms of crime committed by the *begal motor* is ordinary done, theft with violence, mugging and looting of goods mainly motorbikes, all of which is due to economic problems, because of their criminal proceeds goods tipped to earn money.

Economic factors that most affect a person committing this crime is due to the economic needs of the family are not enough, because the actors do not have a job or a fixed income, so they choose their own way to make money either legally or illegally, and aim to fulfill essentially or a major requirement in compliance with the household economy or simply for additional need for them to enjoy with their group as buying alcohol, drugs, gambling and more.

2. Family Factor

The role of the family is important that the family is the smallest community where few people live together. Place to begin his work and a place to regroup after their activities. Then the family is the first social environment we have through, beginning with childhood to adulthood. The family is the place to get early education and formation of personality to the maturing process and will be an environment that most influence on a person's behavior, so the family has an important role in the development of a person.

A good family to affect the person and the disharmonious family will certainly affect in personal life. A harmonious family must be the dream of every person who always wanted to be in it, but otherwise, if in a family, there is no reassurance that its members are trying to seek out another environment that pleases them, this is the usual cause someone trying to get a new environment can be good and can be bad.

3. Social Intercourse Factors

Social intercourse which has specific norms will affect someone in forming or create the certain norms within oneself. The influence of the social life is reciprocated between the effects obtained outside with the family life so that a pick which are considered fun of him. A good teenagers and adults are always looking for an environment to hang out as they feel comfortable. At first they entered a social life that they thought was good, but finally would not good, and even though they know that the environment was not good, but they feel comfortable that persist in the environment, but sometimes a person may want to leave this environment but hard to break away from the social life.

4. Media Factor

Participated and the mass media can influence and a way of thinking in human life, both in personal life and life in society. In various reports in the mass media often find the perpetrators of the crime as a hero or a variety of modes and forms of crime, whether was done individually or in groups, so that someone who has a behavior abnormal or have the properties of behavior that tends to commit a crime, so the news in the mass media can be a stimulus for someone to wickedness. Some things that can negatively affect a person as a result of the mass media, among others:

- a) A sensational show can stimulate/excite someone to emulate, or do the same thing, both to themselves and to others.
- b) A person can learn how to be criminals commit crimes in the pursuit of profit or learn how the actors do the crime.
- c) A person can learn how perpetrators make an effort to avoid law enforcement officers of fishing effort.

5. Education Factors

An education can be one of the causes of a child doing an act which included the crime. Education is education that obtained by a man both formal and non-formal acquired within the family and at school. And in general, the perpetrator is only finished elementary school (SD), Junior High School (SMP) and in general they are school dropouts and unemployment.

6. The Religion Factor

One's belief or religion can also be a trigger of a crime. The grade of religious adherence is relatively low,

causing a lack of understanding of their faith causes a person does not understand properly what is permitted what is forbidden in the religion. Understanding Factors of the religious affiliation of a person depends how the lives of families, especially the elderly man, in practice her faith, and the condition is very influential on the behavior of a particularly believe in and animates the teachings of their religion norms.

E. Public Reaction to the Collective Violence Crime *Begal Motor*

The series of anarchy hordes of people suspected *begal motors*, making the public and the police feel anxious, just how their actions are very disturbing public order such as racing on the road, race wild race, obstructing motorists more, do mugging, deprivation of motor vehicles, mischievous to others, damaging public facilities (stoned street lights, scribbling on road signs) and even life-threatening and the body of the victim.

With the crimes committed by *begal motor* the assumption is considered very disturbing society, and considered very disturbing tranquility in society. Since seeing the shape of the crimes and through the mass news media, not only harm the property but also harm the body and soul of the victim, with the result that no perpetrators were caught when people judge the perpetrator by persecuting perpetrators and burn / damage the motor offender.

The violence that committed by the *begal motor* is considered very disturbing society such as the frequent occurrence of the crimes committed by offenders who were branded robber motorcycle, then to grab and theft of motor vehicles (*Curanmor*) should be punished severely citing "To protect the public because of the feeling harmony disrupted then encourage us to make the effort of prevention and mitigation explicitly, which is that effort aiming to reduce the number of street crime that has been very disturbing society, especially to every offender is caught and against police action is mainly to provide a deterrent effect to offenders with expectations for the future is the provision of a criminal prosecution should have a significant impact in a way that should be given high sentences, to counteract the fear from society.

Grab case and *curanmor* are already made restless people in Palu, while giving a deterrent effect for offenders are not a deterrent because the sentence given low so taken lightly by the perpetrator. In fact, there are actors who just finished their low penalty but they had dared even then directly back their crime. So that the efforts that made Authorities like finally disappear, it does not have a significant impact in reducing the crime rate.

If the perpetration of crimes committed by *Begal Motor* in groups (Collective) that are both heavy crime (delinquency) and that lightweight to violent crime, are not always reported to the police for the following reasons:

- 1) The shape of his actions were deemed to be as light as disturbing passers-by on the streets, singing in a noisy, scrawling against a wall or walls of other people's homes.
- 2) Do not want to deal with them because they like threatening if it will be reported.
- 3) The problem is settled amicably as family.
- 4) Report to the RT/RW or stakeholder.
- 5) Giving an advise the perpetrators to let you know that their actions are not good and disturbing others and to refrain from re-actions.

F. Prevention and Combating Crime Collective Violence That Commit By *Begal Motor*

Nowdays, the crime is marked by an increase in the modes and forms of violent crime as did the *begal motor* that can lead to a feeling or state of uncertainty in some cities, so as to lead to the assumption is mistrust towards combating crime by means of mechanisms of justice system.

Crime as a social indication that constantly faced by every society in the world. Concerning to human effort to eliminate the results may not be completed, because the crime was not likely to be removed, but only reduced intensity, or quality.

Although the crime is not possible to be deleted does not mean we are not trying to prevent and mitigate them, the various efforts made every sides, while looking for the most effective way to handle the problem of crime, such as the establishment of legislation and other programs as a form of embodiment prevention and control of crime.

Efforts to prevent and tackle crime is an effort that must be made before and after the commission of crimes, including efforts to improve offenders who have rehabilitation in social institution. Considered the factors that cause the occurrence of violent crimes committed collectively *begal motors*, the prevention and mitigation efforts must involve the role of the family, the community, especially the police state apparatus.

Various attempts have been made to prevent and control crimes committed by *begal motors* as attempt Pre Entif, Preventive and Refressif is to involve all levels of society as both government officials and the general public. The efforts of prevention and control have been done by the police in accordance with his duties, among others:

1. In efforts to prevent, the police tried to take an active role, among others:
 - a) Maintaining security and public order by monitoring either monitoring or direct supervision in places to crime;

- b) To conduct periodic patrols or sudden public places particularly place where frequent crime and at certain times of the crime;
- c) To conduct information or give information about crime in the hope that people anticipate the possibility of crime in the environment where he lives;
- d) To supervise the people who have been involved in crimes or those who have completed the disciplinary process;
- e) To cooperate with other agencies and community organizations engaged in adolescent development;
- f) Registering or mapping of the state of well organized gangs and other groups, especially groups that tend to commit crimes.

2. The next effort if they see different types of crimes that have been committed by the *begal motor* so that the police are making efforts reffressif so that such crimes can be addressed, such as:

- a) To take the assertive action to perpetrators according to law, hope of a deterrent effect against perpetrators or potential perpetrators of others who have not been caught, and potential offenders are expected to refrain from doing a crime, especially the invitation of a friend in their group;
- b) To prevent vigilantism which is the one of the community's efforts to combat crime that committed by society. Vigilante occurs when the perpetrator is caught by persecuting the perpetrators then they burn out the motor, with the aim of punishing and deterring the perpetrators;
- c) Given the strong threat against the perpetrators of the *begal motor*.

Some opinions of respondents that need to be done in an effort to prevent and solve crimes of collective violence *begal motor* notably members of the gang members and that does not include gang members are as follows:

- a) Citizens Youth Organization has to reactive. According them reactive youth organizations can have a positive impact, particularly in preventing and combating the crime and young delinquency;
- b) Should have a family be responsible for maintaining the integrity of the family members. In the midst of rapid information technology, involvement of parents in education ranging from pre-school level to higher education should be through family education, should strengthen the role and increasingly needed, it is time to encourage good parenting must begin at home;
- c) In addition the government, communities and families must work together to fortify the community members from the various challenges of increasingly complex life;
- d) The family is expected to take an active role in prevention because the family also influence a person's behavior, maintaining the integrity of households including oversight of the work of a husband or children and supervise their peers outside the home;
- e) Should law enforcement officials and the public in an effort to prevent crime as direct supervision to prevent crime;
- f) It is expected that one does not become involved either directly or indirectly to the crimes committed by members of the motor robber.
- g) Environmental improvement which is an improvement of social structures that influence the occurrence of crime, such as the economic system improvements to the system provides the opportunity to earn a living correctly;
- h) Extension awareness about the shared responsibility to prevent crime, maintain neighborhood, community members suspected supervise, report to the authorities if there are no groups alleged robber motors in their surrounding;
- i) The shape of the efforts made by the authorities considered not maximized because it is still a crime committed by the *begal motors* - a certain place and on the limited hours;
- j) To conduct legal counseling to the community to recognize the mode of crime is often the case in the hope not to become victims of crime.

Prevention and control of crimes committed violent *begal motor* both individual and collectively the will effectively if every element of society to work together in an integrated manner, supported by a legal policy .and their society as a whole and the seriousness of the government to prevent and solve crimes including the crime of violent crimes committed by *begal motor*.

E. CONCLUSION AND RECOMANDATION

CONCLUSION

1. Perpetrators of crimes committed by the *begal motor*, have no special The characteristics and just generally offender who commits a crime on a motorcycle, whether from group that are not organized or from organized group.
2. The forms of crime which can be seen both reported and unreported data from the police appears that the form of crimes committed *begal* including the motorcycle is still conventional crimes, such as stealing, robbing or snatching, armed robbery, threatening, obscene act, disturbing public tranquility,

injure and persecute and even kill its victims.

3. Various factors that helped influence the cause that someone committed a crime, including economic factors and this is the most influential factors, family factors, social factors, educational factors, factors media, and religious factors, but those factors are not factors that stand alone and these factors influence each other among the factors with other factors.
4. Various attempts have been waged to prevent and control crime of collective violence begal motors, either Pre Entif efforts, the Preventive and Refressif by the police and other interested parties, but the crime remains the case, so the effort must still be done even need further enhanced by involving all levels of society.

RECOMANDATION

1. Need improvisation in surveillance to prevent the commission of both crimes is usually done individually or collectively that perpetrators of adults including delinquency committed by minors are likely to be a crime.
2. Need to increase public awareness in order for them to participate actively participate in the prevention and control of crime, by understanding its causes.
3. Need improvisation in counseling laws on security, the environment where each stay, including an understanding of patterns or modes of crime, so that every person not to be affected to commit crimes and do not become victims of crime.

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B. UNDANG UNDANG

1. Kitab Undang Hukum Pidana (KUHP)
2. Kitab Undang Undang Hukum Acara Pidana (KUHAP)