

Handling of Violent Crimes Between Community Groups in Ternate Conducted by the Police

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Abstract

Efforts to tackle crime in general can be divided into two, namely the path of punishment (criminal law) and through non-punishment (not / outside of criminal law). The two pathways can be distinguished that, with efforts to overcome through the penalty line more focused on the repressive nature (oppression / eradication / suppression) after the crime occurred, while the non-penal route is more focused on the nature of the preventive (prevention / deterrence / control) before the crime occurred. This research was conducted to find out what are the factors causing the occurrence of acts of violence between community groups in Toboko and Mangga Dua in Ternate City as well as the form of handling conducted by the Police Resort of Ternate on the issue. The results of the research in the field found that there were 2 (two) factors that caused violence between Toboko and Mangga Dua groups, namely group factors and individual factors, while the form of handling undertaken by the Ternate Resort Police was by taking preventive measures and repression.

Keywords : Crime; Group Violence; Police

INTRODUCTION

An order of social life in general upholds the values that live in the community itself, such as religious norms, decency, politeness, and legal norms. The values that live in these societies which then form a harmonious and balanced order of life. However, now these norms are starting to disappear with the times, this is evidenced by the many violations of these norms by humans as the main actors. One example is the diminishing sense of brotherhood among the community which then leads to divisions in community relations which often lead to aggression and hurt one another.

This is seen as an act of inter-community violence that occurred lately, violence between community groups which was discussed as a form of violence between community groups in Kelurahan Kota Baru and Mangga Dua located in Central Ternate City, North Maluku. In the last few years until 2017, there have been several

cases of violence between community groups in Ternate City. In this focus, it is between the people of Kelurahan Mangga Dua and Toboko. Through tracing the case by the author in this study, in 2016 the author found the number of cases that occurred was as many as 4 (four) cases.¹

Various cases mentioned above, there is one thing that is very interesting and becomes a serious concern to be studied, namely, problems related to the occurrence of inter-community violence that continues to recur and at the same concentration of conflict each year. In viewing the behavior of these community groups can not only be based on external factors, but must also be seen from a juridical point of view to be able to find and determine the actions carried out by these community groups in the view of the law which is considered as a criminal act, as regulated in Article 170 of the Criminal Code:

- 1) Anyone who publicly and jointly commits violence against humans or property is punished with a prison sentence of up to five years and six months
- 2) The guilty person is punished:
 - a. With a sentence of up to seven years in prison, if he has intentionally destroyed property or if the violence he has done has caused a person to be injured in his body;
 - b. With a sentence of up to nine years in prison, if the violence causes a person to be seriously injured in his body;
 - c. With a maximum sentence of twelve years in prison, if the violence has caused the death of a person.

Seeing the definition of violence from the juridical side above, it can be seen that all forms of actions that meet the elements in the article above are considered as a criminal act and must be acted according to the law in Indonesia. Efforts to tackle crime in general can be divided into two, namely the path of punishment (criminal law) and through non-punishment (not / outside of criminal law). The two paths can be distinguished that, with efforts to overcome through the penalty line more focused on the repressive nature (oppression / eradication / suppression) after the crime occurred, while the non-penal route is more focused on the nature of the preventive (prevention / deterrence / control) before the crime occurred.²

Based on the above background, the problems to be examined in this study are, first, what are the factors causing the emergence of acts of violence between community groups in Ternate? Second, what is the form of handling by the Police towards acts of violence between groups of people in Ternate?

RESEARCH METHOD

The method of approach used by the author in this study is a sociological approach, which is a research approach that sees law as a human behavior in society while still holding on to the rules that can be used as a direction for analyzing problems that have been determined by the author. The research location chosen by the author to conduct research in order to obtain accurate legal materials is the author conducting research at

¹ Data of Satuan Intelkam Polres Ternate.

² Barda Nawawi Arief. (2011). *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan KUHP Baru)*. Jakarta : Kencana. p. 46.

the Ternate Resort Police, because the Ternate Police Office is an authorized agency in the case to be investigated and therefore becomes the jurisdiction of the Ternate Police, so makes it easy for writers to find the data needed in research. The types of data in this study include Primary Data and Secondary Data, namely data that provides explanations or further information regarding primary data. In this research the data collection techniques used are interviews, documentation and literature studies that are tailored to the needs of the type of data, data collection techniques. After collecting data, both from field studies and literature studies are considered sufficient, the data will be processed using qualitative descriptive methods, namely qualitative research methods describing or describing phenomena studied systematically, factual and accurate. Through this method, the researcher analyzes the object of research in the form of description, understanding or explanation. Qualitative data analysis of data obtained from interviews, observations and secondary data is described descriptively and normatively based on conditions in the field of violence between groups of people in Ternate.

RESULT AND DISCUSSION

Factors that Cause Violence Between Community Groups in Ternate

1. Individual Factor

Factors causing the emergence of crime that are influenced from within the villain are also explained by Abdul Syani, namely the psychological factor is a special trait that exists in the individual and is emphasized on the psychological aspects of the individual. Personality problems often lead to deviant behavior, especially if someone (individual) can be categorized as feeling depressed. People who are depressed have a tendency to deviate, and this may be on social systems or on cultural patterns.³

Why is the problem of identity above so influential in a conflict in a society? This is also a problem of efforts to deal with conflict problems, including those examined by the author. According to records of conflict incidents received by the writer from Ternate Police, the fact is that the problem of identity plays a big role in causing friction in a social order. This is evident from the note which states that from a number of incidents involving two community groups in Ternate, namely the Mangga Dua community group with the Toboko community group, it was preceded by actions that were only carried out by a few people who acted without carrying their group identity in carrying out various actions such as throwing stones or Molotov cocktails at homes, businesses and people.

According to the author, this attitude of aggression then develops massively in a group of people of various ages and then grows into a movement or action taken together which we later recognize as group violence. Collective violence is usually carried out by groups of people and groups of people, in the strict sense carried out by gangs. In general, collective violence arises from a concrete situation which was preceded by sharing ideas, values, and problems together over a longer period of time. A shared problem is the most important factor and can involve feelings of danger of revenge, and anger. In this collective violence, every individual in the group acts of violence

³ Bartimeus Tondy. (2013). *“Studi Kriminologis Terhadap Faktor Penyebab dan Modus Operandi Tindak Pidana Pembunuhan Oleh Wanita”*. Artikel Ilmiah. Fakultas Hukum Universitas Brawijaya : Malang. p. 12.

together and for the common interest, this collective violence can be grouped into 3 categories namely primitive, reactionary, and modern collective violence.⁴

2. Group Factors

To parse the problem of external factors that triggered violence between Toboko and Mangga Dua community groups in Ternate in this study, all are inseparable from the facts on the ground. From the data collected by the author in this study, it can be broadly explained that the causality (causality) of this problem is originated from small things which then become large due to several factors in the field at that time. Based on the data obtained from the author of the Criminal Investigation Ternate Police, from some of the data of the incident can be seen that factors from outside the group or individuals of a community group are the origin of aggressive action in the form of groups. For example, in the October 9, 2016 incident, young men from the Toboko group riding a motorcycle from the south threw a fuel sales spot and also threw youths from the Mangga Dua group. This then develops to a more massive scale in the form of groups that attack each other using stones and bottles.

Conflict solidarity is the creation of conflict towards a level of complexity, through the many other parties involved in the conflict. This process takes place through three processes namely there is intensive interaction of individuals, there is a feeling of love and trust towards others, there are similarities and similarities in values and norms. These three processes will be actualized when triggered by the fact of hostility (cruelty, cruelty). There are two forms of hostility, they are frustration and grievances. Conflict solidarity is characterized by the operation of ideology within groups, providing doctrine of resistance, then there are organizing members and structures so that various conflict strategies can be formulated. Then there are mass mobilization activities by streamlining all resources to win the conflict. The next phase is the source of conflict, which is the process of conflicting groups utilizing certain instruments to deal with conflict. The escalation of conflict is an increase in the various coercive actions of both parties in conflict, so that acts of violence are exhibited. Here an escalation strategy is needed namely a rational response from a conflicting party. Conflict descalation is a situation that emerges markedly and is caused by a decrease in conflict solidarity activities, conflict resources and conflict escalation strategies.⁵

Forms of Handling undertaken by the Police Against Violent Crimes Between Community Groups in Ternate

1. Preventive handling of violent crimes between community groups of Mangga Dua and Toboko in Ternate

The author finds that the methods used in dealing with violence between community groups in Ternate are mainly the focus of this research, namely the Mangga Dua and Toboko community groups, by doing prevention of the potential that can cause violence between groups and by cracking down on each the party proven to have committed the crime. Based on information from Ternate Intel Police, the approach taken in dealing with violence between community groups is prioritized by finding out the potential factors in triggering violence between community groups, this is because in dealing with groups or the masses it will be very difficult to find the real

⁴ Yesmil Anwar & Adang, 2010, p. 412.

⁵ Muhammad Syawaludin, *Op.Cit.*, p. 13.

perpetrators because people tend to form groups when conflicting with other groups of people physically and in numbers.

Handling of criminal acts both crimes and violations preventive and repressive is a part of criminal politics in general. Criminal politics means choosing the most effective countermeasures for dealing with crime or violations. In the narrow sense of criminal politics is defined as the whole of the principles and methods that form the basis of reaction to violations of the law in the form of crime, while in a broader sense it is the whole function of the law enforcement apparatus, including the workings of the court and the police.⁶

Role in avoiding conflict. The existence of adat institutions may indicate increased compliance with traditional law and adat. While these local community institutions can sometimes be more successful in solving community problems, they can also clash with conflict resolution mechanisms mandated from the center, thus allowing conflict escalation.⁷

2. Repressive handling of violence between Mangga Dua and Toboko communities in Ternate by the Ternate Resort Police (Enforcement)

According to the statements obtained by the author from the results of interviews with Ternate Police, that the repressive actions taken by the Ternate Police in dealing with problems like this were carried out in accordance with the applicable laws and regulations so that no mistakes were made in the field by their members.

The use of criminal law (sanctions) as a form of law enforcement efforts cannot be separated from all efforts that have been carried out preventively before, repressive crime is basically based on the rules that apply as a basis for taking action on the ground. According to Herbert L. Pecker who also discussed this criminal problem with all its limitations, in his book *The Limits of Criminal Sanction*, he concluded:⁸

1. Criminal sanctions are urgently needed, we cannot live now or in the future without conviction.
2. Criminal sanctions are the best tools or means available, which we have to deal with great dangers and to deal with threats from danger.
3. Criminal sanctions were at one time a "primary or best guarantor" of human freedom. Criminal is a guarantor if it is used effectively and humanely, criminal is a threat if used carelessly and by force.

Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Article 2 describes the function of the Police as one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, protection, and service to the community. The authority possessed by the Police to carry out tasks in the criminal proceedings according to Article 16 of Law Number 2 of 2002 concerning the Indonesian National Police:

- a) Make arrests, detention, search and seizure.

⁶ Barda Nawawi, 2010, *Op.Cit.*, p. 17.

⁷ The World Bank. (2004). *Konflik Lokal di Indonesia : Peristiwa dan Pola*, Social Development Notes, No. 9., p. 3.

⁸ Barda Nawawi Arief, 2010, *Op.Cit.*, p. 29.

- b) Prohibit anyone from leaving or entering the scene of the case for the benefit of the investigation.
- c) Bring and confront people to the investigator in the context of the investigation.
- d) Telling to stop the person who is suspected and asking questions and checking identification.
- e) Examining letters.
- f) Calling people to be heard and examined as a suspect or witness.
- g) Bring in experts who are needed in connection with the examination of the case.
- h) Hold a stop to the investigation.
- i) Submit case files to the prosecutor.
- j) Submit a request directly to the authorized immigration officer at the immigration checkpoint in an urgent or sudden situation to prevent people suspected of committing criminal offenses.
- k) Providing instructions and investigative assistance to civil service investigators to be submitted to prosecutors
- l) Carry out other actions according to responsible law.

In PERKAP Number 1 of 2009 concerning the Use of Force in Police Measures, it explains about the actions that can be taken by the Police in dealing with certain situations and conditions. In Article 2 of the PERKAP it is explained about the purpose of PERKAP No. 21 of 2009:

1. The purpose of this regulation is to provide guidance for police officers in carrying out police actions that require the use of force, so as to avoid using excessive force or not being accountable.
2. The purpose of using force in police actions is:
 - a. Prevent, inhibit, or stop the actions of perpetrators of crimes or suspects who are attempting or are doing actions that are against the law;
 - b. Prevent criminals or suspects from fleeing or taking actions that endanger police or public;
 - c. Self protect or the public from threats of actions or deeds of perpetrators of crimes or suspects that can cause severe or deadly injuries; or
 - d. Protect the respectability of decency or property of oneself or society from attacks that violate human rights and / or threaten lives.

The data found by the author in Ternate Police, there are 4 (four) cases that have been entered and the investigation process has been carried out until the investigation and the suspect has been found in the case. However, of the four cases, there were 2 (two) cases which were later diversified.

Observing the efforts that have been made by the Ternate Resort Police as a whole in the discussion about the form of handling of acts of violence between these community groups, both carried out by means of preventive and repressive have been carried out in accordance with standards and decision-making as well as good actions by the

Police Ternate Resort. This can be seen from the form of prevention carried out by the Police in the form of preventive and repressive measures carried out in a balanced manner and in accordance with applicable laws and regulations to tackle violence between groups of people in the jurisdiction of Ternate.

CONCLUSION

From the results of research and discussion found two factors that triggered the emergence of acts of violence between community groups Mangga Dua and Toboko in Ternate, namely individual factors and group factors. Individual factors come from within a person (individual) in the form of attitudes and nature in the form of aggression, revenge, which is manifested through actions taken by someone with the aim of the group or other individuals. While the group factors that influence the occurrence of inter-group violence in Ternate are provocative, act of portrayal (cinematic), which then encourages a group to commit acts of violence against groups and other individuals outside the group.

Forms of handling carried out by the Ternate City Police Department against acts of violence between Mangga Dua and Toboko community groups in Ternate are taken in two ways namely preventive paths, namely by identifying potential conflicts, patrolling, utilizing criminal statistics, and cross-agency collaboration. while handling through repressive channels is by following up all reports related to violent crimes between community groups in Ternate, conducting legal processes on each related report, and taking all actions on the ground in accordance with applicable laws and standards to control potential massive conflict.

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