

The Burning of a Sector Police Office by the Community from a Criminological Perspective

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Abstract : *This study aims to identify the legal analysis of the burning of a Sector Police Office by the community from a criminological perspective as well as to analyze the level of community trust in police after the burning of the Sector Police Office based on criminological theories. This descriptive-analytical study applied a normative juridical approach. The results of the legal analysis of the burning of a Sector Police Office by the community from a criminological perspective showed that, according to the anomie theory, the burning is due to the influence of social structure as a correlative factor in the burning of the Sector Police Office of Bendahara. This influence can be seen from the disparity between the goals to be achieved and the means used in achieving these goals. Hence, the community took steps to burn down the Sector Police Office to achieve its goals. Further, the level of community trust in police after the burning of the Sector Police Office was demonstrated through association theory, social control theory, and neutralization theory. Based on the description of the criminological theories and its relation to the phenomenon of the burning of the Sector Police Office of Bendahara, there needs to be an evaluation of the application of the law as the harmonization of the law in the context of criminal provisions is needed.*

Keywords: *Burning, Community, Criminological Perspective.*

Pembakaran Kantor Kepolisian Sektor oleh Masyarakat dalam Perspektif Kriminologi

Abstrak : Tujuan penelitian ini yaitu untuk mengetahui analisis hukum terhadap pembakaran Kepolisian Sektor oleh masyarakat dalam perspektif kriminologi, untuk mengetahui kepercayaan masyarakat terhadap kepolisian pasca pembakaran Kepolisian Sektor menurut teori-teori kriminologi. Spesifikasi penelitian yang digunakan adalah penelitian bersifat deskriptif-analitis dengan pendekatan yuridis normatif. Hasil penelitian dari analisis hukum terhadap pembakaran Kepolisian Sektor oleh masyarakat dalam kriminologi bahwa menurut teori anomie menekankan pengaruh struktur sosial sebagai faktor korelatif terjadinya pembakaran Kepolisian Sektor Bendahara. Pengaruh ini terlihat dari adanya disparitas antara tujuan yang hendak dicapai dengan sarana yang digunakan dalam mencapai tujuan tersebut. Hal ini akhirnya mengambil langkah-langkah pembakaran Kepolisian Sektor Bendahara untuk mencapai tujuannya. Selanjutnya tingkat kepercayaan masyarakat terhadap kepolisian pasca pembakaran Kepolisian Sektor menunjukkan melalui teori asosiasi; teori kontrol sosial dan teori netralisasi. Berdasarkan uraian teori-teori kriminologi tersebut dihubungkan fenomena pembakaran Kepolisian Sektor Bendahara saat ini sangatlah dibutuhkan sebagai evaluasi terhadap penerapan hukum sehingga diperlukan harmonisasi hukum dalam konteks ketentuan pidana

Kata Kunci: Pembakaran, Masyarakat, Perspektif Kriminologi

INTRODUCTION

Law enforcement is an effort to establish legal norms as a guideline to behave in legal relations in community and state life.¹ In Indonesia, one of law enforcement tasks given to the State Police of the Republic of Indonesia is to arrest perpetrators based on the legislation in the territory of the Unitary State of the Republic of Indonesia. Article 4 of Law No. 2 of 2002 concerning the State Police of the Republic of Indonesia, The State Police of the Republic of Indonesia aims to establish national security including the defense of public orderliness and safety, the orderliness and

¹ Jimly Asshiddiqie, *Makalah Penegakan Hukum*, academia.edu, www. decudesk.com, 2013, p. 1

law enforcement, the protection, safeguard and services to the public, and the establishment of peace for the public by upholding human rights.

Criminology as a social science continuously grows and develops. The growth and development are due to the pattern of social life that continuously changes and differs from one place to another and from a certain time or era with another time or era. Hence, studies of crime and deviation also grow and develop in terms of reviewing, understanding, and studying social problems existing in a community. The problems found in the community are very complex, especially when they are related to the culture of the wider and diverse community.²

Aceh is one of the Islamic areas in Indonesia where the community adopts Islamic values. In Aceh Tamiang District, there was an incident of the burning of a Sector Police Office of Bendahara committed by the local community.³ The burning of the Sector Police Office by the community causes a bad image to the law enforcement officials, especially the Sector Police Office of Bendahara. The incident began with the arrest of a person on the wanted list (DPO). Yet, in this case, a member of the Sector Police shot the person after being arrested as the perpetrator tried to escape. Hence, when the local community found out about this incident, they then got angry and burned the Sector Police Office of Bendahara. Based on the description, this study focuses on the following issues: the legal analysis of the burning of a Sector Police Office by the community from a criminological perspective and the level of community trust in police after the burning of the Sector Police Office based on criminological theories.

RESEARCH METHODS

This descriptive-analytical study applied a normative juridical approach. Here, a literature study was done to collect secondary data. As stated by Soekanto and Mamudji, a normative legal study is carried out by studying library materials (literature) which are secondary data in which its form and contents have been compiled by previous researchers and can be obtained whenever and wherever; not bound by time and place.⁴ The collected data were then analyzed qualitatively, meaning that the collected data tends to be a theoretical study in the form of legal principles, legal doctrines, and legal contents that are first described systematically, and then a qualitative analysis is carried out.⁵

RESULTS AND DISCUSSION

A. Legal Analysis of the Burning of a Sector Police Office by the Community from a Criminological Perspective

Sector Police (Polsek) of Bendahara is a part of the working area of Resort Police (Polres) of Aceh Tamiang District. In 2018, precisely on October 23, 2018, there was an incident of the burning of a Sector Police Office located in Bendahara Sub-District committed by the community.⁶ This incident is widely discussed by the community, government, and mass media. The incident of the burning of the Sector Police Office of Bendahara began with the arrest of a resident in Bendahara Sub-District, Aceh Tamiang District suspected to involve in a narcotics criminal act. Yet, in this case, one of law enforcement officials who is a member of the Narcotics Criminal Investigation

² Sarip, Sarip; Diana Fitriana. Legal Anthropology Approach on the Application of Village Website in Digital Economic Era in Indonesia. *UNIFIKASI : Jurnal Ilmu Hukum*, 5(2), 2018. 96-105

³ <https://news.detik.com/berita/d-4269370/gedung-polsek-di-aceh-tamiang-dibakar-massa>

⁴ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Raja Grafindo Persada, Cetakan ke-5, Jakarta, 2001, p. 37.

⁵ Wahyu ramadhani, *Legalitas Operasi Tangkap Tangan (OTT) Komisi Pemberantasan Korupsi Terhadap Gubernur Aceh Aceh*, Law Jurnal Fakultas Hukum Universitas Syiah Kuala, Vol. 2(3) Desember 2018 p. 459.

⁶ <https://news.detik.com/berita/d-4269370/gedung-polsek-di-aceh-tamiang-dibakar-massa>

Department of the Sector Police of Bendahara shot the perpetrator after being arrested. Here, the local community got angry and burned the Sector Police Office of Bendahara as they found out that the perpetrator shot by the police was a victim of wrongful arrest. Criminological theory is a science based on experience, which is similar to other similar sciences, paying attention to the phenomena and trying to investigate the causes of the phenomena in the available ways.⁷

According to Sutherland, criminology consists of three main parts, namely:⁸

- a. Sociology of criminal law is a scientific analysis of the conditions affecting the development of criminal law;
- b. Etiology of crime is a scientific attempt to find the causes of a crime;
- c. Penology is basically a science of punishment, but Sutherland includes rights related to crime control both repressive and preventive.

In terms of criminology, the Anomic Theory was promoted by the French Sociologists, Emille Durkheim (1858-1917) and Robert Merton. Durkheim uses the term *anomi* to refer to a deregulated condition. According to Durkheim, a rapid and tense social change in a community has a great influence on all groups in the community. Here, the main values accepted by the community become vague or even disappear. These conditions lead to uncertainty or even absence of norms.⁹ A social structure is a means to achieve the same goal for all members without providing the same tools to achieve the goal. Yet, this can result in a mismatch between what is permitted in a culture and what is permitted in the structure. Hence, a breakdown of social norms due to the absence of a standard of behavior may occur.¹⁰

Meanwhile, according to Merton, there are two components in a community that determine public order, namely the same goals in a community and the acceptable means or tools available to achieve these goals. The occurrence of an imbalance between the achievement of goals and the means used to achieve the goals causes community members to make deviations in an attempt to achieve the goals.¹¹ Based on the description, it needs to emphasize the influence of social structure as a correlative factor in the burning of the Sector Police Office of Bendahara. This influence can be seen from the disparity between the goals to be achieved and the means used in achieving the goals. The disparity then makes a strain on a person or a community group so that they take steps in the form of burning the Sector Police Office to achieve the goals.

B. Level of Community Trust in Police after the Burning of the Sector Police Office based on Criminological Theories

Criminal etiology discusses the schools of thought of criminology, theories of criminology, and various perspectives of criminology. Meanwhile, the reaction towards the breaking laws discusses the theories of punishment and the efforts to deal with/prevent crime in the form of preventive, repressive, and rehabilitative measures.¹² In an environment, there is human behavior. The term 'behavior' itself means a response or reaction of an individual to a stimulus. Biologically, 'behavior' is an activity(s) of an organism. "Behavior is a result of an interaction between an

⁷ Topo Santoso dan Eva Achyani Zulfa, 2004, *Kriminologi*, PT Grafindo Raja Persada, p. 5.

⁸ *Ibid.* p. 11.

⁹ Hardianto Djanggih, Nurul Qamar, *Penerapan Teori-Teori Kriminologi dalam Penanggulangan Kejahatan Siber (Cyber Crime)*, Pandecta, Jurnal Unnes Volume 13. Number 1. June 2018, p 13.

¹⁰ Mahmud Muladi, *Criminal Policy pendekatan integral penal policy dan no-penal policy dalam penanggulangan kejahatan kekerasan*, Medan, pustaka bangsa press 2008, p. 107

¹¹ *Ibid*

¹² Derlius, *Analisis Kriminologis Terhadap Kejahatan Pembakaran Fasilitas Umum Akibat Pemilihan Walikota Palopo*, Skripsi Fakultas Hukum Universitas Hasanuddin Makassar, 2014 p. 10.

individual and his environment. Therefore, the behavior of an individual will be different from one another following his environment".¹³

A mismatch between reality and imagination results in strain and frustration which in turn will cause a psycho-physical response in an individual and end with the occurrence of violence or resistance.¹⁴ Van Dijk *et al.* state that individuals can react to strain in various ways, namely accepting the goal (+), rejecting the goal (-), or discarding and replacing the goal with other goals (\pm). The acceptance, rejection, and replacement of the goal can also be used as a means.¹⁵ Several criminological theories are described as follows.

1. Differential Association Theory

Differential Association Theory was promoted by an American sociologist, Edwin H. Sutherland in 1939 which was then refined in 1947. This theory was developed based on three theories, namely Ecological and Cultural Transmission Theory stated by Shaw and McKay; Symbolic Interactionism stated by George Mead; and Culture Conflict Theory.¹⁶ In 1939, Sutherland promoted the theory of systematic criminal behavior, cultural conflict, social disorganization, and differential association. Romli Atmasasmita argued that a systematic crime is an organized practice of crimes. The organized practice of crimes is a behavior that supports the norms developed in society.¹⁷

In 1947, Sutherland replaced the term 'social disorganization' with 'differential social organization'. The replacement of the term aims to show the existence of a variety of social conditions with its internal values and goals. This theory recognizes the existence of a variety of separate social organizations competing with each other based on their norms and values. Larry J. Siegel describes that differential association theory examines the elements in society that affect someone to commit a crime.¹⁸ Besides, this theory tries to find out and discover how the values and norms are communicated or transferred from one community group to others. In the context of Differential Association Theory, Ronald L. Akers and Christine S. Seller state:

Differential association has both behavioral-interactional and normative dimensions. The interactional dimension is the direct association and interaction with who others engage in certain kinds of behavior; as well as the indirect association and identification with more distance reference groups. The normative dimension is the different pattern of norms and values to which an individual is exposed through this association.¹⁹

Based on the above description, it can be concluded that differential association has two dimensions, namely the behavioral-interactional dimension and the normative dimension. The behavioral-interactional dimension is an interaction and association carried out directly with others in certain kinds of behavior as well as an indirect identification and association with reference groups. Meanwhile, the normative dimension is a different pattern of exemplary norms and values that guide individuals in associations. By reviewing the aforementioned theory, it can be concluded that the

¹³ Dewi Suci Kusuma Astuti, dkk, *Kajian Kriminologis Aksi Kekerasan Suporter Sepakbola*. Jurnal Recidive. 2 (2):155-161. 2013, p. 157

¹⁴ Widodo. *Memerangi Cyber crime, Karakteristik Motivasi, dan Strategi Penanganannya dalam Perspektif Kriminologi*. Yogyakarta: Aswaja Pressindo, 2013.

¹⁵ Hardianto Djanggih dan Nurul Qamar, *Penerapan Teori-Teori Kriminologi dalam Penanggulangan Kejahatan Siber (Cyber Crime)*, Volume 13. Number 1. June 2018, p. 10-23

¹⁶ Rahmawati, Ineu, 2017. *The Analysis Of Cyber Crime Threat Risk Management To Increase Cyber Defense*, Jurnal Pertahanan & Bela Negara, 7 (2): 55-70

¹⁷ Wibowo, Ari. 2015. *Tinjauan Teoritis Terhadap Wacana Kriminalisasi Lgbt*. Jurnal Cakrawala Hukum, 11 (1): 96-108

¹⁸ Nurfitriah, Indah, 2015. *Analisis Kriminologis Terhadap Tindak Pidana Korupsi Penyalahgunaan We wenang Dalam Jabatan Pemerintahan Di Bandar Lampung*, Jurnal Poenale, 3 (3); 1-12

¹⁹ Hadi, Satrio Nur. 2015. *Analisis Kriminologis Modus Operandi Kejahatan Anak Di Bandar Lampung*. Jurnal Poenale, 3 (2). 1-14

level of community trust in police has decreased as they think that the police can no longer uphold the norms of justice. Besides, the police's function to protect the community has decreased as some people are reluctant to report a case in the Sector Police.

2. Social Control Theory

Control theory is a classification of theories that claim to ask not why do people commit criminal acts, but why do they not commit criminal acts? This theory assumes everyone has the desire to commit criminal and deviant acts and seeks to answer why some people refrain from doing so.

Control Theory is a classification of theories that claim to ask not why do people commit criminal acts, but why do they not commit criminal acts? These theories assume everyone has the desire to commit criminal and deviant acts and seeks to answer why some people refrain from doing so (Akers and Seller).²⁰

John Hagan asserted that social control theory is based on the assumption that every individual in society has the same opportunity to become someone who violates the law or someone who obeys the law. The social control theory asks the basic question of why does not everyone break the law or why do people obey the law? Deviant behavior is a real threat to social norms underlying social order so that it can cause individual strain or social strain as well as a real or potential threat to the ongoing social order.²¹ The act of vigilantism is a public response to a crime that creates an atmosphere of disorder. Communities who must obey the laws set by the authorities act in reverse. The act of vigilantism is often done en masse to avoid personal responsibility and avoid retaliation from a friend or family of the victim.²² The four elements of social ties existing in society are as follows:²³

1. Attachment relates to the extent to which someone pays attention to the desires and expectations of others. Some people are not sensitive to the expectations of others, nor do they feel the need to worry about the applicable norms. Hence, this sensitivity is interdependent with the quality of relationships between one another. It means that the more sympathy and empathy a person feels, the more he feels the need to pay attention to others. This sensitivity will form social bonds that can prevent deviant behavior. In this case, Hirschi divides attachment into two groups, namely total attachment and partial attachment. The total attachment is a condition when a person releases his sense of ego and replaces it with a sense of togetherness. Meanwhile, the partial attachment is the presence of a person who can control or supervise others.
2. Commitment refers to the calculation of profit and loss of someone's involvement in deviant acts. Van Dijk *et al.* argue this element emphasizes the economic-rational aspects so that those who inventory materials and emotions in society will have a higher risk of loss if they violate the applicable norms.
3. Involvement refers to the idea that someone who is preoccupied with some conventional activities will not have time to think or commit a crime. Thus, someone who integrates well with society has less time to violate norms.

²⁰ Hardianto Djanggih dan Nurul Qamar, *Penerapan Teori-Teori Kriminologi dalam Penanggulangan Kejahatan Siber (Cyber Crime)*, Volume 13. Number 1. June 2018, pp. 10-23

²¹ Chandro Panjaitan, 2018. *Penyebab Terjadinya Tindakan Main Hakim Sendiri Atau Eigenrichting Yang Mengakibatkan Kematian (Contoh Kasus Pembakaran Pelaku Pencurian Motor Dengan Kekerasan Di Pondok Aren Tangerang)*, Jurnal Hukum Aligama, 1 (1): p. 2

²² Beridiansyah, 2019. *Kajian Kriminologi dan Hukum Pidana terhadap Perilaku Vigilantisme pada Masyarakat*, Wajah Hukum, 3(1), p. 90

²³ *Ibid.*

4. Values and Norms (Belief) refers to the situation of a diverse appreciation of the principles of society among community members. If there is no belief that the values and norms are worthy of obedience, there will be a possibility of violation of the law.

Further, Reiss distinguishes two types of controls, namely:

- a. personal control – the ability of a person to refrain from achieving his goals in a way that violates the norms;
- b. social control – the ability of a community or a community group to implement norms or legislation.

3. Neutralization Theory

Larry J. Siegel argues “Major premise youth learn ways of neutralizing moral restraint and periodically drift in and out of criminal behavior patterns. Explains way may delinquents do not adult criminals. Explains why youthful law violators can participate in conventional behavior” (Larry J. Siegel). The main opinion of the neutralization theory is that a person will learn to neutralize the morals that control human behavior and then do deviant behavior.²⁴ In addition, this theory explains how youth do deviations and how they are involved in deviant behaviors. David Matza asserts that “neutralization theory stresses youth’s learning of behavior rationalizations that enable them to overcome societal values and norms and engage in illegal behavior.” The neutralization theory emphasizes the learning process of youth to rationalize deviant behavior done so that it is expected to be able to outsmart the applicable social values and norms. In the same vein, John Hagan argues:

At base, neutralization theory assumed that people’s activities are guided by their thought. Thus, the question asked by this theory is, what is it about the thought of otherwise good people that sometimes turns them bad? It can be noted that the question posed assume that most people most of the time are guided by “good” thought. In other words, neutralization theory assumed there is general agreement in our society about “the good think life” and the appropriate ways of obtaining them.

The neutralization theory assumes that people’s activities are guided by their thought. The question asked by this theory is; what is it about the thoughts of good people that sometimes turn them into people who behave badly or deviate from the applicable norms in society? Based on this question, the theory assumes that most people, in most of their time, are guided by good thought, but why do people who generally have ‘good’ thought commit deviant or criminal acts? To answer that question, Sykes and Matza suggest the delinquent is an apologetic failure that drifts into the deviant lifestyle through of justification “we call these justifications of deviant behavior techniques of neutralization; and we believe these techniques make up a crucial component of Sutherland’s definitions of the violation of the law”.²⁵ A perpetrator of a crime is an apologetic failure, namely a person who fails to apologize for the actions that drift him into a lifestyle that deviates from the norms. The process goes smoothly and is used by the perpetrator as a justification for the actions. A justification for deviations involves many complicated components as defined by Shuterland. Further, Sykes and Matza describe 5 (five) neutralization techniques adopted by the perpetrators of crime, namely:

- a. Denial of Responsibility – the perpetrator describes himself as a person who has no power in dealing with the pressures of society (for example, they are lack of affection from parents or are in a bad relationship or environment).
- b. Denial of Injury – the perpetrator thinks that the actions carried out do not cause great loss to society.

²⁴ *Ibid*, p. 19

²⁵ Hagan, John. 1987. *Modern Criminology, Crime, Criminal Behavior and its Control*. Mc Graw-Hill Inc. Singapore. p. 156

- c. Denial of Victim – the perpetrator sees himself as ‘the revenger’, while the victim of his actions is considered guilty.
- d. Condemnation of the Condemners – the perpetrator assumes that people who condemn the actions done as hypocrites or as perpetrators of covert crime because of envy, etc.
- e. Appeal to Higher Loyalties – the perpetrator feels that he is trapped between the will of the community as well as the legal provisions existed in the community and the needs of smaller groups, i.e. groups where they joined.

Based on the description, it can be concluded that the neutralization theory assumes deviant acts are done based on the thought of the individual concerned and are driven by external conditions so that the perpetrators always look for justification for their actions through the process of rationalization. The Criminological Theories are urgently needed to handle cyber-crimes. Meanwhile, etiology, penology, and sociology of crimes aim to study crimes from various aspects.²⁶ In the context of criminology, the dynamics of critical thinking about criminological theories are very important in order to understand the processes that make an act a crime and the processes that make a person or a group a villain. Thus, a correct understanding of these processes can then be used as a basis for establishing the right policy in handling crimes.²⁷

Based on the description of criminological theories, it can be concluded that the use of criminological theories in cyber-crime cases is urgently needed as it is used as a basis for decision-makers in handling cyber-crimes following the characteristics and the mode of the perpetrators. The analysis of the 3 (three) criminological theories shows that; 1) Differential association theory can be used as an analytical tool to find out the cause of a person or a group to burn the Sector Police Office. Based on this theory, crime is the result of a learning and communication process taking place in an intimate group. The theory is in line with the characteristics of the burning of the Sector Police Office by the community due to the police’s incompatibility in carrying out the duties of law enforcement and the perpetrators’ rash action as they do not learn the actions of other parties in the same case. Besides, the principle of differential association cannot be ignored in studying the crime; 2) Social control theory can be used as an analytical tool to identify factors that cause a person or a group to burn the Sector Police Office. Based on this theory, the perpetrators commit the crime as they have strong social ties or they already have a social bond with the community; and 3) Neutralization theory can be used as an analysis tool as some neutralization techniques proposed by Sykes and Matza may also be the reason for the burning of the Sector Police Office. Based on the description of the criminological theories and its relation to the phenomenon of the burning of the Sector Police Office of Bendahara, there needs to be an evaluation of the application of the law as the harmonization of the law in the context of criminal provisions in the field of information technology is needed.

CONCLUSION

The results of the legal analysis of the burning of a Sector Police Office by the community from a criminological perspective shows that, according to the anomic theory, the burning is due to the influence of social structure as a correlative factor in the burning of the Sector Police Office of Bendahara. This influence can be seen from the disparity between the goals to be achieved and the means used in achieving these goals. This condition makes a strain on a person or a community group so that they took steps to burn down the Sector Police Office to achieve their goals.

²⁶ Indra, S Josua, Nur Rochaeti, & R.B. Sularto, 2017. *Kajian Kriminologi Terkait Penegakan Hukum Pidana Terhadap Tindak Pidana Pembakaran Hutan Dan Lahan Di Provinsi Riau*, Diponegoro Law Review, 6 (2): 1-15, p. 3

²⁷ Kholiq, M. Abdul. 2000. *Urgensi Pemikiran Kritis dan Pengembangan Kriminologi Indonesia di Masa Mendatang*. Jurnal Hukum Ius Quia Iustum, 7 (15): 161-174, p. 173

The level of community trust in police after the burning of the Sector Police Office, according to the 3 (three) criminological theories, can be described as follows; 1) Differential association theory can be used as an analytical tool to find out the cause of a person or a group to burn the Sector Police Office. Based on this theory, crime is the result of a learning and communication process taking place in an intimate group. The theory is in line with the characteristics of the burning of the Sector Police Office by the community due to the police's incompatibility in carrying out the duties of law enforcement and the perpetrators' rash action as they do not learn the actions of other parties in the same case. Besides, the principle of differential association cannot be ignored in studying the crime; 2) Social control theory can be used as an analytical tool to identify factors that cause a person or a group to burn the Sector Police Office. Based on this theory, the perpetrators commit the crime as they have strong social ties or they already have a social bond with the community; and 3) Neutralization theory can be used as an analysis tool as some neutralization techniques proposed by Sykes and Matza may also be the reason for the burning of the Sector Police Office. Based on the description of the criminological theories and its relation to the phenomenon of the burning of the Sector Police Office of Bendahara, there needs to be an evaluation of the application of the law as the harmonization of the law in the context of criminal provisions in the field of information technology is needed.

SUGGESTION

From the results of the analysis, law enforcement officials especially the State Police of the Republic of Indonesia are suggested not to shoot the perpetrators both in the case of being caught red-handed or escaping from the police; the arrest of perpetrators must follow the Standard Operating Procedure (SOP). Besides, it is also suggested that law enforcement officials can uphold human rights which are the rights of the perpetrators as citizens.

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Legislation

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