

CHAPTER I

INTRODUCTION

A. Background

Well-known as a city with a large student community, Sleman Regency is included as the center of destination for students from all over Indonesia provinces. Besides, Sleman Regency also holds the title as a tourist city where many domestic and foreign tourists come to enjoy the beauty of the atmosphere in Sleman Regency. Customs, arts and culture that are still attached to people's lives are supported by traditional government centered in the Yogyakarta palace as a special area in the State of Indonesia.

The Sleman Police as a law enforcement officer in the DI Yogyakarta Province has become a symbol in carrying out their obligations to protect and follow up on violations that occur in the community and migrants in the Sleman Regency area in order to create a sense of security, young people become mascots in the development of science in order to create a sense of security. A better Indonesia, the community becomes an icon in showing cultural culture so that it becomes an example for other regions in Indonesia, and the government becomes an important party in providing protection of rights and obligations to anyone who lives and settles in Sleman Regency.

However, the security and comfort that have been fostered for a long time and become one of the characteristics of the Special Region of Yogyakarta are fading due to the actions of several parties, including childrens who are both legally proficient and underage. These childrens damaged the image of the DI Yogyakarta province, especially in Sleman Regency by

committing acts of violence and crimes on the streets against people living in the Sleman Regency area. This crime and violence is referred to as klitih by the people of Sleman Regency . Until now, the criminal behavior in the form of Klitih has become one of the most worrying crimes in the Yogyakarta area, especially the Sleman Regency. This is compounded by data showing an increase in Klitih crime cases from time to time, which according to data from the Sleman Police Resort, the number of "klitih" cases in 2022 where at least 3 cases have been successfully treated.¹

Klitih is a form of juvenile delinquency where the perpetrators commits violent crimes by injuring the victim .The perpetrators of the klitih action did not hesitate to injure the victim by slashing, hitting, and attacking the victim using sharp weapons. Only a few of the perpetrators of the klitih action took the victim's property, because the perpetrator of the klitih action was satisfied when the victim was helpless and left alone. Klitih actions are carried out at night and in quiet places.² Klitih's action in Sleman Regency, which in this case was a crime of violence or persecution which resulted in injuries to victims and loss of life to victims, has the second highest percentage rate in Indonesia. Where Yogyakarta Province is in second place out of the three provinces with the percentage of villages/sub-districts that have experienced the largest crime of persecution in a row with a percentage rate of 13.93%, which is then ranked first in the province with the percentage

¹Alif Karnadi, "Klitih Kembali Terjadi, Jumlah Kasusnya Naik 11,54% pada 2021," terdapat dalam <https://dataindonesia.id/Ragam/detail/klitih-kembali-terjadi-jumlah-kasusnya-naik-1154-pada-2021> . Diakses terakhir tanggal 13/10/2022

² Handoko, "*Criminological Review of Crimes Perpetrated by Klitih Action Actors in the Special Region of Yogyakarta*" , Thesis, (Yogyakarta: Faculty of Law, University of Muhammadiyah Yogyakarta, 2017), p. 28-29.

of villages/sub-districts that have had crimes of persecution is Gorontalo with a percentage of 14.31 and in third place is Bangka Belitung with a percentage of 12.02%.³ The klitih perpetrators have their own reasons for carrying out their actions, ranging from problems in the family which means lack of affection, prestige problems, a form of revenge between youth associations or what is commonly called *gangs*.

And at this time, the government, especially the Sleman Regency Government, is incessantly taking action against klitih criminal behavior. With various methods carried out by the police and existing law enforcement, in this case klitih will always be the main vigilance for the police.

Children committing acts against the law in the form of persecution that disturbs the community in the form of "Klitih" need to be dealt with firmly. The Sleman Police are expected to act and move quickly in handling the klitih incident according to the functions and duties of a police officer in order to create a safe and prosperous society.

Based on the description above, the writer is interested in submitting a research proposal with the title " **THE CAUSE FACTORS AND CRIMINAL LAW ENFORCEMENT AGAINST "KLITIH" IN SLEMAN REGENCY, IN THE PROVINCE OF YOGYAKARTA**"

B. Problem Formulation

Based on the description of the background of the problem above, the problems in this study are formulated as follows:

1. What are the factors that cause children to act "klitih"?

³ Badan Pusat Statistik, *Statistik Kriminal 2021*, Badan Pusat Statistik, hlm. 36

2. How is the law enforcement for “klitih” acts committed by children in the Sleman Regency Police Resort?

C. Research purposes

Based on the formulation of the problems mentioned earlier, this research has the following objectives:

1. Knowing the factors that cause childrens to act "klitih"
2. Analyzing the law enforcement of “klitih” acts committed by childrens in the Sleman Regency Resort Police .

D. Benefits of research

The benefits that can be obtained from this research are as follows:

1. Theoretical Benefits

Contribute useful knowledge in the field of Criminal Law, especially regarding the role of the police in the law enforcement process against klithih crimes committed by children in the Sleman Regency area.

2. Practical Benefits

- a. The results of this study are expected to contribute ideas and contribute to the development of legal science in general and Criminal Procedure Law in particular.
- b. It is hoped that this legal writing can add scientific references in the field of law regarding the role of the police in the law enforcement process against klithih crimes committed by children in the Sleman Regency area.

- c. As a means to add references and literature that can be used to conduct legal studies and further legal scientific writing.

E. Literature review

1. Definition of Law Enforcement

Law enforcement is an act that regulates the relationship of values formulated in solid laws and expressed in an attitude of action which is the final stage in the development of values to create and maintain peaceful social life. In social life, humans have their own standards to achieve life goals, but these standards are often contradictory between one individual and another. Law enforcement is not the task of applying the law to certain events, but human activities with all their characteristics that aim to fulfill the expectations desired by law.⁴

The human factor plays a major role in law enforcement. Law enforcement is not a simple logical process, but with the participation of all mankind, law enforcement is no longer seen as an effort of logical reasoning, but as the result of a choice. Therefore, the application of the law can not only be based on logical predictions, but also on “non-logical” issues. Law enforcement is carried out by agencies authorized to carry out this task, such as police, prosecutors, judges, and government officials.

The definition of law enforcement can also be seen from its object, namely in terms of law. In this case the meaning also includes broad meaning and limited meaning. In general, the application of law also includes the values of justice contained in healthy official rules and the

⁴M. Ali Zaidan, *Towards Criminal Law Reform*, Sinar Graphic, Jakarta, 2015, p. 110.

values of justice that exist in society. However, the application of law in a narrow sense can only involve the application of formal and written regulations.⁵

The national language can distinguish the meaning of law enforcement and justice. The application of law can be related to the concept of "applicable law" in a narrow sense, the application of law in a broad sense is called the application of justice in the sense of material law.⁶

In terms of the subject, law enforcement can be a subject in a broad sense, or it can be understood as a subject's efforts in law enforcement in a narrow sense. Broadly speaking, the law enforcement process involves all subjects in every legal relationship. Every person who implements normative rules or does something or does not do something in accordance with the applicable legal rules, means that he makes or applies rules as an effort by certain law enforcement officials to protect and ensure law enforcement, law enforcement officers can use force if necessary.⁷

With the description above, it is clear that the concept of the executive is more or less an attempt to make laws, both narrowly and

⁵Laurensius Arliman S, *Law Enforcement and Public Awareness*, Deepublish, Yogyakarta, 2015, p. 12-13.

⁶Jimly Asshiddiqie, *Penegakan Hukum* https://d1wqtxts1xzle7.cloudfront.net/34124812/Penegakan_Hukum-with-cover-page-v2.pdf?Expires=1626931992&Signature=aM5xieGJRX8WHUPLzpqA1-oGTfIMX0WD3Q~g-A9fd28jkHhBGWHVsWeKPZv3CXFTmXZeZQctFNlm6PmE6nUdjX~tf6jq8yY5boO005kLAqc7c2f9-HFSNepw4NVSWBwYCI91rmS77S12a-zK950JJSXNy~MLm9Upo8Cb6Zos~L~dVKsTidyPjHohbKTHX5eLrVq4JYit5y4g4UV~dxJ2blRK11tKu9x9xav0EUnspYbK5QZIXZKmyGL92~TZuXLMHP6Tsvh0Unf0~sgqZkd8j1Nm11cVejUjTM-h4jIHtwd0BZkCjaOW4LigfE4T6do6DgPF50QKZTWpWftWwkZrg_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA, hal. 2. Accessed on 22 July 2021 at 14.00 WIB

⁷*Ibid.*, p. 1.

broadly, as guidelines for behavior. as an official executive officer entrusted by law with the task and authority to ensure the functioning of legal standards that take place in the reality of social and national life.⁸

2. Factors Affecting Law Enforcement

a) Law Factor

In legal science there are legal products that are reactive, participatory production processes, namely inviting maximum community participation through social groups and individuals in community festivals. Receptive law is ambitious, meaning that the material it contains is generally in accordance with the wishes of the community it serves. Make the law as a crystallization of the will of the people, then the law other than as a method is also a symptom of society, law is not separated from society. So far, what has happened in the process of recognizing legislation regarding the role of the community is still one-sided and symbolic. Several large-scale communications were carried out only as a complement to the basic investigation procedures, which form the basis of the regional regulation development plan.

b) Factors of Law Enforcement Apparatus

In developing countries, especially Indonesia, the main problem in law enforcement is not the legal system itself, but the quality of law enforcement officers. Law enforcement officers are role

⁸*Ibid.*, p. 1-2.

models in the community who must have certain skills that are in accordance with the aspirations of the community. They must be able to communicate and make themselves understood by the target group (community), thereby stimulating the participation of the target group or the wider community.

c) Factors of Facilities and Infrastructure

Without special infrastructure or facilities and equipment, law enforcement will not run smoothly. These facilities and infrastructure include the resources of highly educated and skilled people, which are well organized, complete and fully funded. If this is not respected, law enforcement agencies will not be able to achieve their goals.

d) Community Factor

Society, especially environmental communities where laws are enforced or enforced, means that citizens must know and understand applicable laws, comply with applicable laws, and comply with applicable laws with an awareness of the importance of those laws. the law of social life. Law enforcement comes from the community and aims to bring peace to the community. Therefore, in a certain sense, society can influence the application of the law.⁹

3. The act of "Klitih"

a) Definition of Klitih

⁹*Ibid.*, p. 49-60.

Klitih (klitihan/nglitih) is a vocabulary from the Javanese/Yogyakarta language which means "the activities of someone who goes out of the house without a purpose or wandering". Another term, that klitih is identified "as an activity around the city using a vehicle carried out by childrens". Currently in the Sleman Regency, the meaning of klitih is attributed to adolescent behavior which is identical to violence on the street at night or early in the morning.

Klitih is a form of juvenile anarchism that is currently rife in Sleman Regency. Klitih is synonymous with a group of childrens who want to injure or paralyze their opponent with violence. The perpetrators of Klitih's actions also often injure their opponents with sharp objects such as knives, gears, samurai swords and the like. This form of juvenile delinquency is not an ordinary delinquency because the delinquency takes many victims to physically injure and seize property. Victims of this delinquency did not indiscriminately, ranging from fellow childrens, students, to adults. The phenomenon of juvenile delinquency is called Klitih.¹⁰

The perpetrators of the klitih action did not hesitate to injure the victim by slashing, hitting, and attacking the victim using sharp weapons. Only a few of the perpetrators of the klitih action took the victim's property, because the perpetrator of the klitih action was

¹⁰Handoko, Op. cit. Thing. 28.

satisfied when the victim was helpless and left alone. Klitih actions are carried out at night and in quiet places.¹¹

b) Juvenile Delinquency (*Juvenile Delinquency*)

Juvenile delinquency, commonly referred to as *juvenile*, comes from the Latin *juvenilis*, which means children, children (which are called delinquency) are essentially a product of the condition of their society with all the social upheavals that exist in it. According to Kartini Kartono *Juvenile Delinquency* that:

“evil behavior (dursila), or crime/ delinquency of young people; is a symptom of social (pathological) illness in children and adolescents caused by a form of social service, so that they develop a form of deviant behavior.

Delinquency is a deviant act committed by adolescent children who are still in school, and if the act is committed by an adult, it is qualified as a crime.

Juvenile delinquency never takes place in isolation, which is unique and unique in its kind, and does not proceed in a vacuum; but always takes place between personal and socio-cultural. Kartini Kartono identified *Delinquency* according to its nature into 8 (eight), namely:

1) Individual *delinquency*

Juvenile delinquency of this type is symptomatic, due to chronic intrapsychic conflict, personal disintegration with great inner turmoil, psychotic and psychopathic symptoms. Children commit crimes or crimes and cruelty without any specific

¹¹*Ibid*

motive or purpose, they have no human feelings, their conscience is difficult to warn.

2) *Situational delinquency*

Situational forces, social stimuli and environmental pressures are very influential on this type of delinquency and this delinquency is carried out by normal children. As a result, childrens like to break rules, social norms and formal laws.

The causes of situational *delinquency* are two factors, namely; First, the external social situation is determined by place and time, especially the situation of continuous bad conditions, these are the two main social dimensions that have a bad influence on children. Second, internal factors, namely personal or subjective factors that provide internal limitations.

3) *Systematic delinquency*

A collection of structured and organized behavior accompanied by settings, formal status, certain roles, norms, a sense of pride, and a moral crime that is different from what is generally accepted. All child crimes are rationalized and justified by all group members, so that the crimes become organized or systematic.

4) *Cumulative delinquency*

Continuous and ongoing bad cultural conditions can intensify juvenile crimes. The cause of cumulative delinquency is a controversial cultural conflict. In this cultural conflict, there are many social groups that cannot be reconciled and reconciled, and are always involved in tension, competition and social clashes which are colored by hatred and revenge.

The factors that cause juvenile delinquency proposed by Sofyan S. Willis as follows:¹²

- 1) Factors that cause juvenile delinquency; (1) *Predisposing factors* , namely abnormal factors that are brought from birth such as physical and psychological hereditary defects, (2) lack of self-monitoring of environmental influences, (3) weak ability to adapt to the environment, (4) lack of basic religious knowledge in society. self, making it difficult to measure and choose external norms or norms in the community.
- 2) The factors of delinquency that come from the family environment:
(1) children do not get love and attention from their parents, (2) weak economic conditions, (3) less harmonious family environment.
- 3) The factors of juvenile delinquency that have just come from the environment, (1) lack of consistent implementation of religious

¹²Marwan Setiawan, *Criminal Characteristics of Children & Adolescents* , (Bogor, Galia Indonesia, 2015). Thing. 111.

teachings, (2) lack of education in society, (3) lack of supervision of juveniles, (4) the influence of new rules from outside.

- 4) The factors of juvenile delinquency originating from schools: (1) teacher factors, (2) educational facilities factors, (3) educational norms and teacher cohesiveness, (4) teacher shortages.

Meanwhile, according to Kartini Kartono that juvenile delinquency is caused by the following factors:¹³

- 1) Family Factors; The family is the first and foremost institution in carrying out the process of socialization and personal civilization of children. In family factors, there are several causes of juvenile delinquency, namely:

- a) Messy household

If the household starts with conflict and it happens continuously, it will experience a divorce, and the child will experience confusion and difficulty communicating with family members, then there will be a lot of inner conflict and mental turmoil.

- b) More protection from parents

Children will easily be fragile and cannot be independent and always depend on their parents' help because parents always spoil their children and never avoid the difficulties in facing their life.

¹³Kartini Kartono. *Op. cit.* Thing, 126.

c) Parental rejection

Parents who cannot assume responsibility as father and mother because they want to continue the habit before marriage, this habit is called *maladjustment*, which is not being able to adapt to new living conditions.

d) Bad influence of parents.

The attitude and behavior of parents will always be followed by their children. Habits of arrogant behavior, hypocrisy will be very easy to imitate their children.

- 2) Social Factors; The environment is closely related to the pattern of changes in children's behavior, because children spend more time outside the home than inside the house with their parents. Meanwhile, the environment they live in is not always good and is even more likely to have a negative impact because of the various communities that exist.

According to Sheldon and Eleanor Clueck in Soedjono Dirdjosisworo explained that bad children are children who have been in contact with "*band companions*" and "*badhabits*" or more commonly known as "bad friends and bad places".¹⁴

1) Mass Media Factor

¹⁴Marwan Setiawan. *Op. cit.* p. 109.

The mass media greatly affects young people because they are still easily influenced by their surroundings. Examples of bad mass media are obscene magazines, obscene books without an author, pornographic pictures and other things that are geeky and sadistic, which are widely circulated these days. Especially now, with the development of technology, internet and smartphones are getting cheaper and easier to get.

2) Educational Factor

Children's education and development do not always benefit from an unfavorable environment. An environment consisting of adults and children who are not good and anti-social, this will also cause bad emotions in pubescent children who are still mentally unstable.

4. “Klitih” as a Crime

Klitih actions committed by children in the Sleman Regency area can be categorized as violent crimes which in the legal sense of violence according to SueTitus Reid as quoted by Topo Santoso and Eva Achjani Zulfa are:¹⁵

"An action or deed that is legally defined, unless the elements determined by criminal law or criminal law have been proposed and proven through a reasonable doubt, that a person cannot be charged with having committed an action or act that can be classified as an offense. violence".

"Thus, an act of violence is an intentional act or a form of action or act that constitutes negligence, all of which are violations of criminal law,

¹⁵Topo Santoso and Eva Achjani Zulfa , '*Criminology*', (Jalarta, Raja Grafindo Persada, 2003), p. 21. 13 Article 89 of the Criminal Code.

which are carried out without a defense or basis of truth and are sanctioned by the State as a serious crime or violation of the law. light one."

To commit acts of violence means to use force or physical strength that is not small in an illegal manner. For example hitting with the hands or with all kinds of weapons, kicking, kicking and so on. In the Criminal Code, what is meant by violence is to make people faint or helpless

In addition, it is also stated in the Criminal Code that whoever publicly commits violence against people or goods is sentenced to a maximum imprisonment of five years and six months.¹⁶

Violence committed against people or goods. Animals or animals also enter into the meaning of goods. This article does not limit that the person (body) or property must belong to someone else, so that the property itself is also included in Article 170 of the Criminal Code, although it will not happen that people will commit violence against themselves or their own property as a tool or power. efforts to achieve something, may also happen. This violence must be carried out in public, because this crime is indeed classified as a crime of public order.¹⁷ Klitih action which is meant by committing violence can be categorized as a criminal act of persecution or beating.

The crime of persecution, among others, is regulated in Article 351 of the Criminal Code (KUHP) which reads:

¹⁶Article 170 of the Criminal Code .

¹⁷Elucidation of Article 170 of the Criminal Code

- a) Persecution is punishable by a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah.
- b) If the act results in serious injury, the guilty person is threatened with a maximum imprisonment of 5 years.
- c) If it results in death, it is punishable by a maximum imprisonment of 7 years.
- d) With persecution is equated with deliberately damaging health.
- e) Attempting to commit this crime is not punishable.

On the other hand, if it is carried out jointly or in groups, then the perpetrators, among them, are classified as actors and participate. As quoted from the article "Criminal Snare for Students Who Perpetrate Beatings", the participant can be subject to criminal penalties in Article 55 of the Criminal Code:

- 1) Convicted as a perpetrator of a crime:
 - a) those who do, who order to do, and who participate in doing the deed;
 - b) those who by giving or promising something, by abusing their power or dignity, by force, threats or misdirection, or by providing opportunities, means or information, intentionally encourage others to do something.
 - c) Against the proponent, only actions that are intentionally recommended are taken into account, along with their consequences.

If the klitih perpetrator is caught carrying and storing sharp weapons, he can be subject to a violation of the Emergency Law No. 12 of 1951.

F. Research methods

In this study, several research methods were used as a means to understand the object of the problem. The method used is as follows:

1. Types of research

Type of research applied by the researcher is the empirical method. Empirical Legal Research examines the enactment of law in society by focusing on the legislative approach, especially on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Empirical Legal Research is research on the social facts of society or the facts of the law in society by conducting interviews and surveys to predetermined research subjects. Empirical research also has a meaning in the form of research on the work of law (*law in action*) in people's lives directly.¹⁸ The purpose of this empirical legal research is to explain the causal factors and criminal law enforcement against "klithih" acts committed by children in the Sleman Regency area. So that in this research, it is expected to get information, information and data completely and carried out in a systematic way according to the research focus.

2. Data source

a. Primary data

Primary data is data obtained directly at the research site through interviews with resource persons.

b. Secondary Data

Secondary data is data obtained from reading and studying the literature, including:

¹⁸Jonaedi Efendi, Johnny Ibrahim, 2016, *Normative and Empirical Legal Research Methods*. Kencana, Jakarta, p. 76

- 1) Primary Legal Materials, namely binding legal materials consisting of:
 - a) Law Number 1 of 1946 concerning the Criminal Code;
 - b) Law Number 8 of 1981 concerning the Criminal Procedure Code;
 - c) Law Number 23 of 2002 concerning Child Protection;
 - d) Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.
- 2) Secondary Legal Materials, namely legal materials used to help analyze Peimer's legal materials, which consist of :
 - a) Books on crime;
 - b) Articles, magazines, clippings, internet and so on related to the object of the problem.

3. Source person

The resource persons in this study were the Head of Jatanras at the Satreskrim Polres Sleman as resource persons who directly handled the criminal act of persecution or klitih in the jurisdiction of the Sleman Police and other parties concerned in committing crimes against klitih in the Yogyakarta area, namely Ipda Ritantoko Wicaksono as the Head of Jatanras in Sleman Police;

4. Method of collecting data

- a. Library *Research*, namely ways of collecting data, reading and studying legislation, books, documents, magazines, clippings and so on, which are related to the object of research.

- b. The interview (*interview*) is a question and answer session with respondents in order to obtain complete data on the causes and enforcement of criminal law against klithih crimes committed in the jurisdiction of Sleman Regency.

5. Data analysis method

The data collected from the study were analyzed using a qualitative descriptive analysis method, namely a clear description of the causal factors and the enforcement of criminal law against klithih crimes committed by children in Sleman Regency, according to facts that occurred in the field based on the provisions of applicable laws and regulations. and starting from the efforts and information that is expressive from the interview, so that themes can be found which are then formulated into a conclusion.