

Criminological Perspective on Theft at Night as Theft with Weighting

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ABSTRACT

Article 362 of the Criminal Code explains that theft is an act of taking goods, which in whole or part belongs to another person, to possess the goods in violation of the law. One of the most common forms of theft in society is theft at night. Regarding the theft that is done on that night, there is its arrangement, namely in Article 363 of the Criminal Code on heavy theft, because at night is a time that is commonly used by everyone to rest, so that at that time the owner of the goods can not do protection or custody of his property. Economic factors are one of the main causes of the crime of theft, one of which is theft at night because economic factors play a very important role in a person's life. In the effort to prevent theft crimes, especially those committed at night can be done in several ways or efforts, namely preventive, repressive, and reformative.

Keywords: Criminology, Theft, Weights

INTRODUCTION

The crime is a living phenomenon and growing in society. It is known that there is a variety of factors that can be a background from a crime, but it should be understood that crime is one of the forms of community behavior as a phenomenon, experiencing growth with the development of the Community (Poerwadarask, 1996). This case means that with the growing conditions of the community, it will be increasingly evolving in shape and the number of crimes occurring in society.

Every human being performed is a reflection of the human beings concerned, who in his/her actions, that the human being can adapt to the norms in the community where it is located. In other words, it can be said that the criminal deeds are an act that is unsuitable with legal and law awareness of a particular society until then the act is abnormal (Hasibuan, 1994).

Crime is one of the types of social symptoms, which is an associative and immoral behavior that is not desired by social groups and is consciously opposed by the government (Hasibuan, 1994). Crime is an anti-social act, which raises the loss, dishonesty in society. In society, there is anxiety and to enable the community, the state should punish criminals (Ridwan and Warman, 1994).

The crime is a behavioral act contrary to the Law, and then the Law should be created first before the occurrence of criminal events (Ridwan and Warman, 1994). The crimes are human deeds that violate or contradicts what is specified in the rules of law, strictly an act that violates the prohibitions set out in the rules of law and does not fulfill or go against the rules that have been set in the rules of law that apply in the community concerned (Soerdjono, 1977).

The development of crime is an undeniable fact; crime is a deviant behavior committed by human beings as part of society, which gives a loss both in the moral sense and material sense. Theft is one of the

types of social problems, to be able to solve various social problems that occur in society, one of which is theft so that later there will be a guarantee of property owned by each member of society.

In Indonesian criminal law, the regulation on the delic of theft is governed by a separate chapter on the second book of the Criminal Code on crimes, namely in chapter XXII on theft. In Article 362, it is generally stated that what is meant by theft is an act of taking goods, which in whole or part belongs to another person, to possess the goods in violation of the law. One of the most common forms of theft in society is theft at night. Regarding the theft that was done that night, there is a separate arrangement, namely in Article 363 of the Criminal Code on heavy theft. Based on the above description, it is discussed about theft at night as a crime of theft with weighting, and the factors that influence theft at night. The problem formulation is how to theft at night as a theft crime with the news, and how a criminological perspective on theft at night.

Theft at Night as a Crime Theft with Weights

In the Indonesian Criminal Code, the criminal arrangement of theft in the second book of the chapter to the XXII, about the theft outlined in article 362 to article 367. To get the limitation on the theft can be seen article 362 the Criminal Code that reads; Whosoever takes an item, which is entirely or partly included with others, intending to have that item by resisting the right, being punished, for theft, with the penalty for the imprisonment of no more than five years or a fine of as much as 900 Rupiahs. According to article 362 of the Criminal Code, is a proceeding of ordinary theft that contains the following elements (Soesilo, 1998); 1. The act takes.2. Be taken as good.3. The items taken must be wholly or as belonging to others.4. The acquisition should be made knowingly with the intent to be able to own the item in a manner that is against the law.

The theft offense is one of the criminal kinds of property or wealth of others. The classification or transmission of the type of theft by Soesilo (1998) is as follows (1) Ordinary theft; (2) Theft with exposure; (3) Mild theft; (4) Theft in the family; (5) Theft with violence.

The matter about the crime of theft with this exposure is stipulated in article 363 of the Criminal Code, referred to herein is that if the theft fulfils the elements in this article, then he/she will be threatened with a heavier sentence. The meaning of the crime of theft with weighting is that we will be threatened with more severe punishment. What is meant by the crime of theft with the news is when certain circumstances normally accompany theft.

The circumstances are as follows.(1) The stolen object is an animal. The meaning of animals in all sorts of animals that have one single, animals to chew, and pigs (Article 101 KUHP).(2) Theft is done in the event of a catastrophe such as fire, natural disasters, shipwreck, riot, and so on.(3) Theft is done at night, in the house or enclosed yard that is in the house.(4) Theft is done by two or more, where the two or more persons, all are acting as perpetrators, or also doing.(5) Theft where the way is done to be able to enter the place of the theft by dismantling, splitting, climbing, or by using false keys or with false positions. According to article 99 of the Criminal Code, "the mention of climbing is entered by through an existing hole, but not to the place of the past, or entering through a hole in the ground that was deliberately excavated, so too through the ditch or ditch its use as a cover of the page". According to article 100 of the Criminal Code, "which includes the name of the false key is all the tools that are useful not to open the key". While the notion of "dismantle" is damaging the goods are rather large, such as walls, windows, and so on. Preventing that is damaging rather small items such as windows, crates, and others. False commands are orders that seem like original warrants issued by the authorities, but not

really. A false attire is a garment worn by people who are not entitled to it.(6) Theft where the way is done to be able to enter the place of the theft by dismantling, splitting, climbing, or by using false keys or with false positions. According to article 99 of the Criminal Code, "the mention of climbing is entered by through an existing hole, but not to the place of the past, or entering through a hole in the ground that was deliberately excavated, so too through the ditch or ditch its use as a cover of the page". According to article 100 of the Criminal Code, "which includes the name of the false key is all the tools that are useful not to open the key". While the notion of "dismantle" is damaging the goods are rather large, such as walls, windows, and so on. Preventing that is damaging rather small items such as windows, crates, and others. False commands are orders that seem like original warrants issued by the authorities, but not really. A false attire is a garment worn by people who are not entitled to it.(7) Theft is done at night, in a closed house or yard made by two or more persons by dismantling, splitting, climbing, or using false keys, false orders, and false clothing.

Regarding theft with the exposure made at night, in the stipulated in article 363 paragraph (1) of the number 3 Criminal Code. According to the article, some elements must be fulfilled for a theft to be classified at night. The elements are; 1. Theft means that there is an evil deed committed, namely the crime of theft; 2. At times even days, it means that the crime of theft is done in the night-time' 3. In a house or enclosed yard in which there is a house; 4. It was conducted without anyone or courtesy of the right.

About the limitations of the meaning of "night" can be seen in article 98 of the Criminal Code which reads as follows: "which is said to be night is the time between sunset and sunrise". What is meant by a house here is a building that is used as a place to live day and night, if the building is not inhabited day and night then it can not be said as a house. What is meant by a

closed yard is a plain of land around which there are fences, either walls, bamboo or fences of living plants, and other signs that can be considered as boundaries.

A criminological perspective on theft at night

Following the arrangement contained in Indonesian criminal law as described above, that theft at night is a theft that belongs to heavy theft. This is because at night is a time commonly used by everyone to rest so that at that time, the owner of the item is not able to do protection or care of his property. It is therefore classified as a heavy theft.

Basically, many factors can be one of the causal factors of a person's evil deeds. One of the factors that have a significant influence on the occurrence of crimes, especially theft crimes, especially theft committed at night is economic factors. Economic factors are one of the drivers of crime, often occur everywhere. This case is because of the economic situation that develops in a country gives a very big influence on the trees of one's life. In this case, Plato gave the view that in every country in which there are many criminals, religious offenders, and criminals of various kinds (Ridwan and Warman, 1994).Economic conditions do have a huge impact on the lives of people, especially with the very difficult economic situation lately, where in general the economic situation of the Indonesian people is low, while the current prices in the market are high. This case causes a very low level of purchasing power of the community so that in the end, the community has difficulty in being able to meet the needs of their daily lives. This case shows that Indonesian society, in general, is still below the poverty line.

Another impact of the poor condition of Indonesian society is felt at the level of education of that society. With a poor economic situation, it will have an impact on the inability of society to access education. This case is what causes the low

education of the Indonesian people, especially the poor. The further impact of this situation is felt on the inadequacy of the jobs owned by the community. In general, people with a low level of education are less likely to get a decent job. This condition can cause a person to lose confidence, as well as can cause a mental disorder or frustration, where later he becomes less respectful of any norms that exist and occur around him. Regarding the background of a criminal act in direct relation to the economy (Soekanto, Liklikuwata, and Kusumah, 1986) namely;(1) Decreased national income and the number of jobs, will be able to give rise to illegal industrial activities.(2) There are forms of innovation as a result of the gap between social values or goals, with existing social means to achieve them. In times of economic decline, many citizens are less likely to achieve social goals and then become potential innovators who tend to take the form of violations of the law.(3) The development of criminal careers occurs as a result of the clogging of opportunities in the legitimate economic sector.(4) In certain personality types, the economic crisis can cause frustration due to obstacles or threats to the achievement of ideals and expectations that in turn, manifest in the form of aggressive behaviors.(5) In certain stressful groups, there is a high probability of the development of delinquent sub-cultures.(6) As a result of the economic crisis that causes much unemployment, many people who are unemployed and lose their income immediately to reconnect with their friends who are unemployed as well, and thus will be more likely to plan and then commit a crime or crime.

After looking at the exposure that has been given before, it can be seen that economic factors are one of the factors that cause the occurrence of crimes, one of which is the crime of theft committed at night. Basically, the perpetrators commit the crime of theft as an attempt to be able to meet the needs that can no longer be met legitimately because of the economic difficulties that befell them. Therefore, in

the prevention and control of crime, economic conditions need to be taken into account, to reduce the rate of crime, especially theft crimes committed at night.

As an effort to prevent theft at night, it can be done through preventive, refreshing, and reformative efforts. What is meant by preventive efforts is a crime prevention effort that is done using discretion and actions that arise and are done before the crime occurs. In other words, preventive efforts are crime prevention that is more preventive so that the crime does not happen. In its implementation, this preventive effort must be supported by the role and activities of the community, because the existing security officers will not be able to work to the maximum without the help of the community. Every member of society must be able to realize that crime prevention and control efforts are not only the responsibility of the police but also the responsibility of every member of society to be able to deal with crimes that can be detrimental and can upset the community itself.

In carrying out preventive efforts from crime prevention and control, it can be done in two ways, namely in the short term, and long term. In the implementation of crime prevention in the short term, it can be done in several ways, namely with the cooperation between the police and the community, such as; 1. The action of the police officers to be able to place the police officers at certain times and carried out in areas that are considered prone to crime; 2. Implementation of routine patrols and selective patrols; 3. What is meant by a regular patrol is a patrol that is carried out regularly at certain times by going through areas or places where crime often occurs. While what is meant by selective patrol is patrol carried out by selectively selecting time and place in places that are also considered vulnerable; 4. Encourage the community to be able to intensify environmental security posts, especially in areas that are considered vulnerable and need more incentive care. The

implementation of this security post can be done by taking care of the community alternately from night to morning; 5. Provide information and counselling to members of the community, community leaders, and community social organizations, to increase their knowledge of the law and to understand their role and responsibilities in crime prevention efforts; 6. Hold religious talks to the community held in places of worship, conducted in collaboration between the police and religious leaders. This case will also be able to encourage better friendship between the community and the police.

Prevention and prevention of crime can also be done with long-term efforts. The purpose of crime prevention and control is to be able to create and improve the welfare of society because evil deeds can disrupt the development of sectors of social activity.

One of the social sectors that need to be improved is increased employment or job vacancies. Limited employment opportunities, will create unemployment that can affect other sectors in the life of the community, including the economic sector. As already explained, a bad economic situation will be able to trigger a person to be able to do the crime he did intend to be able to do the crime, and he did intend to be able to meet every need of his life that he can no longer meet in a non-violent way law. One of the evils most relevant to this situation is the crime of theft, one of which is theft at night.

On the other hand, the government needs to pay attention to the increase and development of Indonesian Human Resources. This case needs to be noted because with the quality of good human resources, it will get to improve the quality of each member of the community, and ultimately can improve the standard of living of the community itself. This case can reduce the level of crime, especially theft crimes, one of which is theft at night.

In countries where the level of well-being of the people is quite good, then pay attention not only to the development of

adults, but also babies and those who are still in the womb. They are given special attention. This case is done in the hope that they can become good human beings physically and spiritually. One of the roles that need to be involved in the prevention and control of evil is the role of religion, which is sometimes forgotten. Basically, religion is a very important pillar in human life. This case can be seen from the philosophy of Indonesian society, namely Pancasila.

In addition to preventive efforts to prevent and prevent crime, Repressive efforts are also carried out. What is meant by a refreshing effort is an effort to prevent and control crime in the form of actions and policies taken after committing the crime with the aim that the perpetrator will break and then do not commit the evil again. The implementation of Repressive coping efforts is done in a certain process, all of which is done under the Law in force in the provisions of criminal law. Therefore, in this repressive effort, prisoners of law or formulation are very important, because what is the result of this stage will be the basis in the implementation of crime prevention or the repressive effort of crime prevention.

The first stage or process performed in this effort is to conduct a raid, which aims to net and make the arrest, then the stage of collecting or gathering evidence in connection with the investigation of the crime that has been committed. Only after the evidence is gathered will action be taken against the perpetrator of the crime, which is carried out in a court process, to punish the perpetrators of the crime.

One thing to keep in mind in the implementation of this repressive effort is that the punishment imposed is not retaliation, but is done to make the behavior abusive and educate the mental mentality to realize that the act is a mistake and so that he does not do it again. In the implementation of this repressive crime prevention and control efforts, there needs to be cooperation between the police and the

community, for example; 1. Community members provide information that a criminal offense or community member may also inform information about the perpetrators being sought by the police. Later in this report, the police were able to arrest the perpetrators; 2. Members of the community can be a road clue in the process of arrest. This case is very necessary because the location of the arrest to be targeted has a field of location that is difficult to be lived or passed, or because of the limitation of knowledge from the police members about the location that will be intended, so that requires assistance from the community members who generally know more about the terrain of the location to be addressed; 3. Sometimes the perpetrators are arrested by the public, the perpetrators who are being caught in the hands of evil. In this case, there needs to be cooperation from the community and submit the perpetrator to the police to be further processed.

Here are some examples of business that can be done in preventing crime prevention efforts. Based on the explanation, we can see clearly the need for active participation from the community to be able to help the police in a crime prevention effort, especially the crime of theft done at night. Besides using preventive and repressive efforts, crime prevention and countermeasures can also be done with reformative effort. What is meant by reformative efforts in the prevention and countermeasures of crime is the effort undertaken after the occurrence of crimes, addressed to the perpetrators of the crime.

This reformative endeavor is done to criminals during or during his tenure or sentence period, where they are educated and constructed to change his or her bad or evil behavior. It was aimed at the time when they came out of the penitentiary and returned the community, and they no longer had such bad or evil nature before he committed the crime. In other words, this formative business can be said as an effort to be made to improve and shape the souls

of the perpetrators, to be able to become a good member of society and not to commit any other criminal offense.

The implementation of this reformative effort is to provide coaching to the convicts in correctional institutions. In this case, each convict should be seen as a social creature and must also be respected for its rights. Correctional institutions hold an important role in this endeavor. The success and failure gained in the implementation of this business depend on the process carried out in correctional institutions. A positive thing can be obtained if the convict construction can run well and can be related to the target, which can be proved when the prisoner is back into society. While the negative outcome is when the prison comes out of the correctional institution, then it is again a perpetrator of the crime.

The construction effort to convicts has basically begun to be implemented since the first day of the convicts entered the correctional institution. In this institution, they are given the provision of skills such as crafting, farming, or other skills as a flurry of positive. Besides, they have also implanted the fundamental values of morals, which are religious values. This case is done in hopes that upon returning the convicts in society, they can be useful not only to him/her but also to the wider community where he will reside later. With the implementation of its duties, correctional institutions must be able to pay attention to each convict. It is intended that the Parapidana that exists within the institution, does not feel to be made public, so long as it is inside, a good soul and morality are formed. Some forms of attention done can be either; 1. Officers conduct checks on prisoners daily, intended to be able to know the condition of the prisoner every day; 2. Based on the results of the inspection, when obtained prisoners who fall ill because then they will provide treatment for prisoners who fall sick; 3. For provide daily care to all prisoners, one form is the fulfillment of food and drink every day to the prisoners.

One of the objectives of the construction carried out in correctional institutions is to keep each inmate unaffected from the public to be able to carry out these objectives, so the prisoners are allowed to socialize with the community outside of the institution. It is necessary for the participation of the family from the prisoner to always pay attention to the circumstances of the family members who are prisoners. This case can be done during the visiting hours provided by the institution. In addition, the prisoner was also allowed to get along with the outside community besides his family. This case can be done by including the prisoners in each event, such as the sports competition in the community around the correctional institution. Alternatively, visits are originating from various agencies or social institutions and other organizations to the correctional institution.

Based on some things that have been displayed before, it can be noted that in the implementation of this reformatory business can be carried out by the existence of good interaction and the establishment of the three parties, namely the convicts themselves, correctional institution, and society. In addition, it is required pretty good coaching given on every convict. Because with good construction, it will be able to make the prisoners regret and repent and then be aware of his actions so that they have created a good, safe, and harmonious society. One of the very important roles of the community is to be able to receive back the former prisoners who have finished their sentences in prison so that the former prisoners do not feel exiled and can feel safe and comfortable in the community environment.

CONCLUSION

Theft at night is a theft that belongs to the theft of heavy because at night time is a time that is generally used by everyone to rest so that at that time the owner of the item can not do protection or care of his property. Economic factors become one of the main

contributing factors of theft crime that one of its forms is theft at night because economic factors play a very important role in one's life. In the effort to countermeasure, the crime of theft, especially done at night, can be done in several ways or efforts that are preventive, repressive, and reformatory. To the orders and the law enforcement, to know and understand the things that are the cause of the crime of theft committed in the night, so that then the government can be more careful in the implementation of prevention and countermeasures crimes so that then the crime of theft done at night can be minimized in number.

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