

LEGAL ANALYSIS OF CRIMINAL ACTS BY MOTORBIKE GANGS

Jamaluddin¹, Muhammad Ridwan Lubis²

^{1,2} Fakultas Hukum Universitas Muslim Nusantara Al Washliyah Medan

Email : jamaluddin030773@gmail.com¹, muhammadridwanlubis76@gmail.com²

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ABSTRACT

The factors that drive motorcycle gangs to commit crimes are internal factors including intelligence, age, gender, family and external factors including education, children's relationships, community environment, social media. Law enforcement by the police against crimes committed by motorcycle gangs is by providing criminal sanctions. The results of the study are efforts to overcome motorcycle gang members committing crimes are preventive efforts such as patrols, raids, sweeping and repressive efforts carried out when a crime has occurred such as providing sanctions and guidance to motorcycle gang perpetrators. The suggestions submitted are the need to increase parental supervision of children's behavior and social environment so that there are restrictions on children's access to the use of mass media.

1. Introduction

Indonesia is a state based on law, as stipulated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This means that law is the supreme authority for realizing justice and truth in Indonesia. Therefore, law is essential for a state to address its problems and create order, security, and prosperity within society, the nation, and the state.

The problem faced by society, especially urban communities, is the frequent occurrence of crime. This differs from those living in rural areas, which tend to be safer. One problem faced by residents of large cities is the relatively high number of crime incidents. For example, Semarang, the capital of Central Java Province, has a relatively high crime rate. This is a problem faced in every city, ranging from theft, rape, murder, assault, riots/clashes between groups, and robbery are common occurrences. This is often seen in the mass media, including print media such as television, radio, newspapers, and even the internet. The influence of television and the internet influences societal thought patterns and perspectives, particularly regarding individual behavior and actions, which tend toward criminal activity. One crime resulting from the rapid development of progress in the era of globalization is violence and crime committed by groups

calling themselves motorcycle gangs. Motorcycle gangs are emerging in urban areas, particularly large cities like Semarang.

The actions of motorcycle gangs not only disturb the community but also lead to criminal acts, such as extortion, robbery (mugging), and even murder. Motorcycle gang members are not hesitant to kill if the victim resists. Motorcycle gang members are generally dominated by young people of productive age, even teenagers still in high school.

Juvenile delinquency is not only illegal behavior but also includes actions that violate societal norms. Today, a child is often classified as delinquent if they exhibit such severe antisocial tendencies that these actions disrupt public order, security, and peace.

The actions of these teenagers vary from minor to serious, such as skipping school, breaking school rules, breaking curfews set by parents, to serious delinquency such as assault, gang fights, promiscuity, drinking alcohol, and drug use. Juvenile delinquency, or juvenile delinquency, is a symptom of social ills in children and adolescents caused by a form of social neglect, leading them to develop deviant behavior.

However, there are other groups whose members also use motorcycles: motorcycle clubs. Motorcycle gangs and motorcycle clubs are clearly different; the difference is that motorcycle gangs are groups of motorcycle enthusiasts (regardless of the type of motorcycle) who enjoy reckless driving, causing trouble or speeding, and engaging in crime. A motorcycle club is a group of people, both teenagers and adults, who love a particular motorcycle or a particular brand of motorcycle, such as the KNI (Kawasaki Ninja Indonesia) motorcycle club, HDC (Harley Davidson Club), Honda CBR club, and others. When motorcycle club members take to the streets, they engage in social activities, such as charity work, helping victims of natural disasters and helping the underprivileged.

2. Research Method

The type of research used in this study is a normative juridical approach. This normative juridical approach is used to analyze laws and regulations. This research is descriptive and analytical, meaning it merely describes the circumstances of an object or event without the intention of drawing general conclusions.

Data collection is an essential stage in the research process because data is the source of the research. Data collection focuses on the underlying problem,

ensuring that the research avoids any deviations or ambiguities in its discussion. Data collection in this study utilizes both primary and secondary data.

The data collection technique used in this study is library research. Data were obtained through several sources, including scientific books, laws and other documentation related to the crime of assault committed by a motorcycle gang that resulted in the victim's death.

The data collected through the library study were analyzed qualitatively. Qualitative analysis is an analysis based on the paradigm of the dynamic relationship between theories, concepts and data which is feedback or constant modification of theories and concepts based on data collected and related to the criminal act of assault carried out by a motorcycle gang which resulted in the victim's death.

3. Results And Discussion

Results

Recently, a phenomenon occurring in society is the rise in crimes committed by motorcycle gangs. According to the Big Indonesian Dictionary, a gang means a group or gang of teenagers based on similar social backgrounds, schools, regions, and so on. The perpetrators are known as gangsters. A gangster or bandit refers to a member of an organized criminal group (gang) with reckless and lawless habits. Motorcycle gangs themselves are based on recreational activities on motorcycles. However, it is important to emphasize that the definition of a motorcycle gang is very different from the definition of a motorcycle club.

A motorcycle gang is an organized group of unemployed youth, students, and former students. Motorcycle gang members generally ride motorcycles in groups, disregarding traffic regulations and the safety of other road users, and are usually armed with weapons, including various sharp weapons, Molotov cocktails, and firearms. The purpose of motorcycle gangs is to create unrest in the community, engage in gang brawls, and even commit crimes.

With the emergence of motorcycle gangs, street crime, once dominated by groups of repeat offenders, is now dominated by new groups of motorcycle gangs, mostly young people, students, and former students. They are not purely criminal groups. However, their actions on the streets are often more horrific than those of professional criminals. With a range of conventional crimes, motorcycle gangs have become the most feared groups by the public.

Starting with illegal street racing, their behavior has evolved into criminal activity. Gangs of motorcycle gangs, always in groups and carrying various

sharp weapons, even firearms, do not hesitate to assault their victims, rape, and even murder. Incidents of motorcycle gang violence seem to be constantly reported in the media.

Furthermore, motorcycle gangs are now also used as vehicles for drug trafficking, with numerous dealers offering goods within them. At that time, putaw was trendy, and people wore it together. Admittedly, some gang members wore it, even selling it to other gang members. It's not impossible that these motorcycle gangs could one day develop into organized drug crime groups.

4. Discussion

Motorcycle gangs have been in the spotlight recently. Attacks involving groups of bikers and military personnel have occurred over the past three weeks, prompting the police and military to conduct special operations against bikers. Data from Indonesia Police Watch reveals that more than 60 people die annually due to motorcycle gangs. In 2023, 65 people died as a result of motorcycle gangs. Under current Indonesian law, perpetrators of street crimes committed collectively can be subject to criminal provisions as stipulated in the Criminal Code (KUHP), as well as specific criminal provisions, such as traffic-related crimes as stipulated in the Road Traffic and Transportation Law, or narcotics-related crimes as stipulated in the Narcotics Law.

The most common crimes committed by motorcycle gangs include theft, which is subject to Article 363 of the Criminal Code; theft with violence (Article 365 of the Criminal Code); rape (Article 285 of the Criminal Code); assault (Article 351 of the Criminal Code); murder (Article 338 of the Criminal Code); and drug offenses (Articles 112-117 of the Narcotics Law). Furthermore, for riding motorcycles without regard for the safety and lives of others, motorcycle gangs can be charged with disturbing public order and/or traffic violations.

There are certainly many factors that contribute to teenagers becoming involved in motorcycle gangs. However, one of the main reasons teenagers choose to join motorcycle gangs is a lack of parental attention and affection. This can be due to parents being too busy with work, resulting in their attention and affection being expressed solely in material forms. Yet, material things cannot replace their thirst for parental love and attention. Basically, everyone desires recognition, attention, praise, and affection from those around them, especially their parents or family, because parents and family naturally have a very strong emotional bond. When they don't get this recognition, attention, and affection at home, they will seek it elsewhere. One of the easiest places for them to find this

recognition is among their peers. Unfortunately, children from broken homes often resort to negative activities as a way to gain recognition.

Another factor contributing to why today's teenagers choose to join motorcycle gangs is the lack of opportunities or media for positive self-actualization. Teenagers generally prefer to drive at high speeds. However, legal racing events are very rare. Yet, such events are highly beneficial, not only as motivating to achieve but also as a means of self-actualization. Because these positive avenues for self-actualization are scarce, they ultimately resort to reckless driving on public roads, potentially endangering themselves and others.

The policies to be implemented will primarily encompass law enforcement activities aimed at improving order and legal certainty in society. To this end, the coordination system will be strengthened and the duties of law enforcement agencies harmonized. This will be achieved, among other things, by streamlining the functions, duties, powers, and authorities of law enforcement institutions according to their respective professional areas and based on a sound cooperative system.

Sociologically, each law enforcement officer has a status and role. A social status represents a specific position within the social structure, which may be high, medium, or low. This position is essentially a framework containing rights and obligations that constitute a role. Therefore, a person holding a specific position is commonly referred to as a role occupant.

Crime prevention can be carried out through preventive and repressive means. This form of countermeasure involves imposing sanctions on perpetrators of crimes. Criminal sanctions are the best available tool. Criminal sanctions are sometimes the primary guarantor, and ethics are the primary threat to human freedom.

The role of the police in enforcing the law against motorcycle gangs is part of their role as law enforcement officers, striving to the fullest extent possible to uncover cases of motorcycle gang crime. The police take various strategic and constructive steps to implement legal protection in accordance with their rights and authorities, in order to ensure public safety and order, and uphold the law.

In their efforts to combat motorcycle gang crime, the police carry out their primary role of conducting investigations and inquiries. Investigators respond as quickly as possible to every report from members of the public about motorcycle gang crime by conducting an investigation. These reports must be supported by strong evidence to determine whether it constitutes a crime or not.

Before conducting an investigation, an inquiry must first be conducted, which is the initial process or step that determines the overall process of resolving a crime, which requires thorough investigation and prosecution. Concrete efforts

to investigate and prosecute criminal acts can be described as investigations conducted after the crime has occurred to obtain information.

The investigation process in motorcycle gang crimes begins with inquiries about the physical and mental condition of the suspect and their willingness to be questioned at the time. After the suspect states their physical and mental health and willingness to be questioned, the arresting police officer is then asked about the time and location of the arrest, what the suspect did, and who their friends were involved in the arrest. The question then continues with who the suspect is and what evidence was obtained from the suspect. This is followed by an inquiry into how the investigator identified the suspect.

Everyone involved in a criminal case must be presumed innocent until a court decision confirms their guilt. This principle is called the presumption of innocence. The principle of material truth dictates that criminal investigations prioritize the discovery of material truth (*materiale warheid*), the truth that is based on reality. Just as evidence exists to establish the truth in a trial, it is essential to obtain the truth.

Crime prevention efforts must be pursued through a policy approach, meaning there must be integration between criminal policy and social policy; there must be integration (integration) between crime prevention efforts and penal and non-penal measures. Social policy is defined as all rational efforts to achieve public welfare and encompasses community protection.

Criminal prevention, as a law enforcement process, can guarantee legal certainty, order, and legal protection in the current era of modernization and globalization if various dimensions of legal life consistently maintain harmony, balance, and harmony with civil morality based on actual values within a civilized society.

For actions taken against perpetrators, the police have taken legal action in the form of arrests, detention, and investigations to determine whether or not there is evidence of criminal activity. Similarly, if a motorcycle gang is proven to have committed a crime, the case will be processed and handed over to the prosecutor's office for trial. If found guilty and sentenced by a judge, they will then undergo correctional services within a correctional institution to serve their sentence.

5. Conclusion

Factors driving motorcycle gangs to commit crimes include internal factors, including intelligence, age, gender, and family; and external factors, including

education, children's social interactions, community environment, and social media.

Obstacles to preventing motorcycle gang members from committing assaults resulting in fatalities include internal obstacles, such as insufficient personnel and lack of coordination between police agencies and local governments. External obstacles include the vast territory, strategic locations of crimes that facilitate perpetrators' escape, lack of information obtained from victims as informants, lack of public awareness, and lack of witness participation in investigations.

Efforts to prevent motorcycle gang members from committing crimes include preventive measures such as patrols, raids, and sweeps, as well as repressive measures taken after a crime has occurred, such as imposing sanctions and providing guidance to motorcycle gang members.

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