

LEGAL STUDY ON THE CRIMINAL ACT OF ROBBERY PLANNING AT CIMB COMMERCE BANK BY A GROUP CRIMINAL CRIME AROUND THE REGION MEDAN CITY (CASE STUDY OF DECISION NUMBER 706/PID.B/2011/PN.MDN)

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Keywords

Protection,
Preservation,
Historic Building

Abstract. Acts of terrorism for any reason are not justified, either in a positive legal framework or in a religious perspective. The acts of terror carried out in Indonesia after the Bali bombings in 2002 have claimed many lives, property, have taken away the right to life and disturbed the peace of the community. For the city of Medan, in addition to the bombing, terror acts were carried out in the form of bank robberies with the motive of radicalism. One of the interesting things to study is tracing the motives of radicalism in the terrorist acts of robbery at the CIMB Niaga Bank in Medan City. the concept of deradicalization to counter terror acts in the future. The focus of this research is the robbery case of Bank CIMB Niaga Medan with the object of research on court decisions against the defendants of the robbery of Bank CIMB Medan. This type of research includes empirical normative research with a case study approach and exploratory analysis. Data collection techniques were carried out through interviews, literature review and focused discussions. The data analysis technique was carried out qualitatively. Qualitative analysis in this study was conducted to find a description of the roots of radicalism in acts of terrorism in the robbery case of Bank CIMB Niaga Medan which had legal force (incracht). This research is planned to be conducted in 1 year with a case study approach and exploratory analysis. Data collection was carried out by studying literature by collecting the results of previous studies and court decisions against convicts of the robbery of Bank CIMB Niaga Medan, then data collection activities were also carried out by means of interviews with criminal law experts and terrorism experts. Based on a literature search and analysis of the Medan District Court's decision Number 706/Pid.B/2011/PN.Mdn dated August 2, 2011 which tried the perpetrators of the Medan City Branch of the CIMB Niaga Bank Robbery, information was obtained that there was no connection with the crime of terrorism. The Medan District Court has decided on 14 defendants, all of whom were legally and convincingly proven to have committed acts of terrorism. The defendant's mistakes under the provisions of the Terrorism Law are different from each other and the criminal events that have been proven to be proven also vary, because the defendants are not all perpetrators of the robbery of Bank CIMB Niaga Medan. Based on the judge's verdict from the Medan District Court's decision, it was concluded that there was no radical motive in the terrorism case of the Medan City Bank CIMB Niaga robbery.

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1. INTRODUCTION

Crime is a form of behavior that is contrary to human morals (immoral) that harms society, is asocial in nature and violates the law and criminal law. Losses due to the crime can be in the form of material losses or non-material losses, if this is not followed up carefully, it is possible to invite unrest.

In simple terms, it can be stated that criminal law is a law that regulates actions that are prohibited by law and criminal sanctions that can be imposed on perpetrators. Various kinds of crimes are

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developing in society. Crime as a symptom is always crime in society, and is part of the overall social processes of historical products and is always related to economic processes that so influence human relations. One example of a crime is robbery, where the robbery is included in the category of theft with violence and is regulated in Article 365 of the Criminal Code, which is abbreviated to the Criminal Code.

In a big city like Medan City, many crimes occur because the population is very dense, the economy is difficult, education is low, and job opportunities are limited. All forms of crime must be eradicated. The crime acts which are currently increasing in intensity and are always hot news in the mass media, one of which is theft or robbery in public transportation.

The number of thefts in society may be due to the poverty factor in Indonesia, which according to statistical data is around 30 million people out of the total population of Indonesia, which according to the 2010 population census amounted to about 230 million people. In addition to poverty, the factors that cause crime, including theft, are intentions and opportunities. Intention alone without opportunity will not lead to crime. Likewise, opportunity without intention will not lead to crime.

The robbers or perpetrators of this violent crime of theft seem to have the heart to persecute and even kill the victim's life in order to achieve their goals, either to prepare or facilitate theft, or to escape or to retain possession of the stolen goods. They seem to be indifferent to the threat of criminal theft with violence, namely the death penalty, life imprisonment or imprisonment for a certain period of at most twenty years. On the other hand, the criminal threat of theft with violence still uses the death penalty as the heaviest type of crime in the criminal system in Indonesia according to Article 10 of the Criminal Code. Whereas, We know that throughout history the death penalty has become a prolonged polemic and has raised pros and cons both among academics, practitioners and politicians. There are those who accept, there are those who refuse, but there are also those who are neutral. Article 365 of the Code

Criminal law still threatens the crime of violent theft with the death penalty. This is understandable, because as is well known the Criminal Code which is currently in force in Indonesia is the legacy of the Dutch colonial government which is still in effect based on the provisions of Article II of the Transitional Rules of the 1945 Constitution. The Indonesian Criminal Code (Wetboek van Strafrecht voor Indonesie in 1918) originated, the death penalty has been abolished. Also in many countries the death penalty is no longer enforced for humanitarian reasons.

Based on this description, the authors are interested in studying the problem of the crime of robbery by taking the title LEGAL STUDY AGAINST THE CRIMINAL ACTION OF PLANNING BRIDGING AT THE CIMB NIAGA BANK BY A GROUPS OF CRIMINAL CRIMES AROUND THE CITY OF MEDAN (Case Study Decision Number 706/2011/Pid.B/Pid.B/Pid.B. .mdn) Based on the above background, the authors formulate the problem as follows:

1. How is the regulation of the problem of robbery accompanied by murder in the Criminal Code?
2. What is the basis for the judge's consideration of the Medan District Court in passing the verdict number 706/Pid.B/2011/PN.Mdn on the criminal offense of robbery and murder according to decision number 706/Pid.B/2011/PN.Mdn?
3. What are the obstacles experienced by judges in trying cases of robbery and murder?

The research objectives in this proposal are:

1. To get a law degree at the Faculty of Law, Universitas Muslim Nusantara Al-Washliyah Medan
2. To find out the arrangements for the problem of robbery which is accompanied by murder in the Criminal Code
3. To find out the basis for the consideration of the Medan District Court judge in imposing a sentence on the defendant of the crime of robbery accompanied by murder
4. To find out what obstacles are experienced by judges in adjudicating criminal cases of robbery accompanied by murder

2. METHOD

The preparation of this thesis proposal will be preceded by an initial research. The author Fox Justi is licensed under a Creative Commons Attribution-NonCommercial 4.0 International

conducts preliminary research in the form of collecting data that supports the problem under study. Furthermore, the authors in this study conducted research at the Medan District Court which handled cases of criminal acts of premeditated robbery at Bank Cimb Niaga

The type of research carried out in this thesis is using normative legal research, normative legal research according to Ronald Dworkin is also called doctrinal research (Doctrinal Research), which is a study that analyzes both the law written in the book (Law as it is written in the book), as well as the court process decided by the judge in court (Law as it by judge through judicial process).

Data collection is done by studying documents relevant to this research in the library and identifying existing data or cases. The data obtained through the literature research will then be sorted in order to obtain articles in the PTPT UU that contain legal rules which are then linked to the problems being faced and systematized so as to produce a classification that is in line with the problems in this research.

Data analysis in this study was carried out qualitatively, namely the selection of theories, principles, norms, doctrines, and articles in the most important laws that are relevant to the problem. Then make a systematic from these data so that it will produce certain classification according to the problems discussed. Qualitatively analyzed data will be presented in the form of a systematic description by explaining the relationship between various types of data, then all data are selected and processed and then stated deductively, to arrive at conclusions, so that the main problems studied in this study can be answered.

3. RESULTS AND DISCUSSION

Constraints experienced by judges in adjudicating criminal cases of robbery accompanied by murder

During the trial, there were several obstacles and the judge's efforts in adjudicating the crime of robbery accompanied by murder. The author will describe the various obstacles judges and their efforts to overcome in adjudicating the crime of robbery with murder.

1. Obstacles Faced by Judges

a) Internal

From the results of interviews with the Medan District Court judges, the internal obstacles faced by the judges during the trial were when the statements made by the witnesses were suspected to be false during the trial and the statements were different from those in the minutes of examination and greatly influenced the judge's consideration in giving a decision to the defendant on robbery with murder

From the results of interviews with the judges of the Medan District Court, the internal obstacles faced by the judges during the trial were when the defendant's behavior was impolite, disorganized, did not comply with all the regulations in the Medan District Court. So that in this case it greatly affects the judge in adjudicating the crime of robbery with murder. The judge in this case really depends on the situation and conditions during the trial

b) External

From the results of interviews with the Medan District Court judges, the external obstacles faced by the judges during the trial were unstable conditions outside the Medan District Court. Due to the commotion that occurred during the trial. From the defendant and the victim. Usually the community from the victim's side does not accept the judge's decision which is considered very unfair in deciding the criminal sanction of imprisonment for the defendant.

2. Efforts faced by the judge

a) Internal Effort

If the statement given by the defendant is different from that in the Minutes of Investigation, the judge will review the case of the criminal act of theft with violence based on the theory.

The evidence contained in the criminal procedural law is the negative principle (negative theory). In accordance with what is in Article 174 paragraph (1) of the Criminal Procedure Code, it reads:

"If the testimony of a witness at trial is suspected to be false, the presiding judge at trial warns

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him seriously to provide true information and state the criminal threat that can be imposed on him if he continues to provide false information."

With this, it is hoped that the information presented at the trial will not contain false information.

2) The defendant's behavior must be based on the order in the trial. So that in this case the defendant can be given harsh sanctions by the judge. The judge has his own way of reprimanding the defendant if the defendant's behavior has not changed, namely the judge will threaten the defendant by increasing the prison sentence that will be imposed on the defendant.

With the judge's efforts, it is hoped that the defendant will change his behavior and the trial can continue.

b) External Effort

If there is a commotion during the trial, the judge will take steps to ensure security, summon the police and the security guards at the Medan District Court. The judge does not want to handle the case, if there is a commotion during the trial. Usually, in this case, external efforts are given by the court, namely the judge as the most authoritative chairman at the time of the trial, which can give harsh sanctions if there is a commotion or can postpone the trial so that there is no commotion with the same agenda. These efforts must be carried out with reasons can create a decision that can be accepted by both parties in the case of a criminal act of theft with violence.

The judges faced various obstacles during the trial. Therefore, the judge must be fair in giving the verdict handed down. So that there are no obstacles encountered during the trial.

4. CONCLUSION

The crime of robbery in the Criminal Code is known as theft with violence. Theft with violence (robbery) is regulated in Article 365 of the Criminal Code in Chapter XXII concerning theft. Article 365 of the Criminal Code is called theft with the use of violence, namely theft in the main form (ordinary theft) plus an element of violence. The sanctions for the perpetrators of the crime of theft with violence (robbery) in Article 365 of the Criminal Code have various sanctions, depending on the consequences carried out by the perpetrators of the theft, namely: nine years, twelve years, fifteen years, and the death penalty or imprisonment. life or imprisonment for twenty years. The Medan District Court has decided on 14 defendants, all of whom were legally and convincingly proven to have committed acts of terrorism. The defendant's mistakes under the provisions of the Terrorism Law are different from each other and the criminal events that have been proven to be proven also vary, because the defendants are not all perpetrators of the robbery of Bank CIMB Niaga Medan. The results showed that there was no motive with the nuances of radicalism in the CIMB Niaga Bank robbery case in Medan City, the results showed that the bank robbery had a criminal motive and no radicalism. Constraints faced by judges : The statements made by the defendant during the trial were different from those in the minutes of examination, The defendant's behavior at the trial was disrespectful, disorganized, did not comply with all regulations in the trial. The defendant did not admit his actions at trial.

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