

**CRIMINOGEN BEHAVIOR AS REACTION TO THE EXECUTION OF COURT
DECISIONS ON LAND COURT
(Case Study of Execution of Land Case in Batuplat Village, Alak District, Kupang City)**

Justin Rangga Boro, Karolus Kopong Medan and Umbu L. Pekuwali
Graduate Law Science Program, Nusa Cendana University

ABSTRACT

Criminogenic behavior arises as a result of the opposite of expected. The problems examined in this thesis are (1) What is the form of Criminogenic behavior displayed by the community as a reaction to the rejection of the execution of the Court's decision; (2) Why Criminogenic behavior is displayed by the community as a form of rejection of the execution of court decisions. This type of research is empirical research, data collection techniques carried out through interviews and literature studies. Criminogen Research Results have forms such as deterrence against court officials, physical violence, psychological violence, burning of residents' houses, still occupying the location of execution, attacking the case winner. The forms of criminogenic behavior are influenced by several factors such as unclear inheritance factors, factors in how to obtain land, factors not satisfied with court decisions, environmental factors. The Government of Indonesia is expected to immediately implement the provisions of article 19 paragraph (2) of the Basic Agrarian Law and Government Regulation Number 24 of 1997 concerning land registration, by recording physical and juridical data in the land book, so that it becomes a guideline for law enforcers in completing a matter.

Keywords: criminogen behavior, court decision, land court

INTRODUCTION

1. Background.

The crime that occurred caused unrest in the community. Society looks for causes of crime in order to prevent the emergence of a crime in society. The causes for the occurrence of a crime have become a subject that is quite inviting speculation, theorization, research and debate among experts and the general public. Crimes that arise have many causes, such as anthropological biological factors proposed by C. Lombroso in his theory "born criminal", can occur due to environmental factors / influences, influenced by Psychological Factors.

Based on new developments criminologists are not only fixated on the factors of crime as described above but are trying to find outside causes and try to control the crime and eradicate the cause. One of them is because a Decision Decided by a Judge in a case actually becomes a factor in the emergence of criminogenic behavior from the community. The reality shows that crime continues to increase.

The increase in crime can be seen as the ineffectiveness of the Decision handed down by the Court and the ruling in certain cases is the cause of the emergence of criminogenic acts from the community As when the judge sentenced the execution of a land case. At the time of the execution there were even acts of violence and criminal acts as a public reaction to the judge's ruling.

This can be seen in the handling of civil cases by the Kupang District Class District Court, which has been decided up to the Supreme Court's Cassation Number: 3547 K / Pdt / 2015 as well as obtaining an execution determination, where during the execution there was a rebellion and a mass attack by executed. The attack used a blunt object to commit violence by hitting and throwing victims of the land owner who was executed at the time of execution and some time after the execution was carried out. Even 3 months after the execution was carried out the winner of the execution was even attacked using a machete while reviewing the location of the execution. So the author is interested in finding out the cause of the emergence of criminogenic behavior from the community caused by the execution of the Court Decision or criminogenic behavior that occurs due to factors brought from birth, social factors, psychological factors, or economic factors

2. Formulation of the problem

Issues that are the focus of discussion in this paper are :

- a. What is the form of criminal behavior displayed by the community as a reaction to the rejection of the execution of the court's decision?
- b. Why is the criminal behavior displayed by the public as a form of rejection of the execution of the court's decision?

3. Goals and usage

- a. Research purposes

1. To find out and explain the forms of criminogenic behavior displayed by the community as a reaction to the rejection of the execution of the Court's decision.
 2. To identify and explain why criminogenic behavior is shown as a form of rejection of the execution of court decisions.
- b. Research Use
1. So that through this research it is expected that legal researchers, students, and the wider community will know the form of criminogenic behavior displayed by the community as a reaction to the rejection of the execution of the Court's decision.
 2. So that through this research it is expected that legal researchers, students, and the wider community know the criminogenic behavior displayed by the community as a form of rejection of the execution of court decisions.

LITERATURE REVIEW

1. Criminogenic Behavior.

Literally, the term criminology comes from two words, namely *crimen* which means crime or criminals, and *logos* which means science. There are two terms in this definition, namely there is *criminology*, meaning science that studies crime, and there is *criminology*, which means science that studies the causes of crime and how to deal with it.

According to Sue Titus Reid in Soerjono Soekanto, formulating crime, the things that need to be considered are:

- a. Crime is a deliberate act. A person cannot be punished just because of his mind, but there must be negligence or deliberate action. Failure to act is also a crime if there is a legal obligation to act in certain cases. In addition, there must be evil intentions.
- b. Is a violation of criminal law.
- c. Done without a defense or justification that is legally recognized.

- d. Be sanctioned by the state as a crime or violation.

According to Adon Nasrullah Jamaludin There are several factors that cause crime.

These factors are examined by theories, namely:

- a. Classical theory: According to hedonistic psychology, every human action is based on consideration of pleasure and displeasure (pain).
- b. Neo-classical theory: This theory is a revision or renewal of classical theory.
- c. Cartographic or geographic theory: This theory is concerned with the distribution of crime in certain areas, both geographically and socially.
- d. Socialist theory: According to this theory, crime arises from unbalanced economic pressures in society.
- e. Typological theories: The four typological theories are as follows:
- 1) Lombroso's theory or anthropological school: According to this theory, crime is a human talent that is brought from birth (criminal is born).
 - 2) Mental theory tester: This theory uses mental tests to distinguish criminals from non-criminals.
 - 3) Psychiatric Theory: This theory emphasizes the psychological, epileptic, and moral elements as causes of crime.
 - 4) Sociological theory: This theory interprets crime as a function of the social environment.
- f. Environmental theory: According to this theory, a person commits a crime because it is influenced by surrounding factors or the environment.
- g. Biosociological theory: According to this theory, each crime arises because of individual factors, such as the psychological and physical condition of the criminal and environmental factors.

- h. NKK Theory (Intentions + Opportunities = crime): According to this theory, the cause of crime occurs because there is intention and opportunity combined.

2. Judicial Existence and Decisions.

Justice in English terms is called judiciary and in Dutch it is called rechtspraak which means everything that is related to the duty of the State in upholding law and justice. The provisions of article 178 of HIR, article 189 of the RBG, the end of the process of examining a case in court is with the fall of the verdict. This decision was the result of deliberations from the judges based on their position. That is why, it was said that those who had a civil litigation in the court finally expected the verdict. The court's ruling is expected to solve the problem between the parties or find a solution.

According to Riduan Syahrani, the realization of what is the obligation of the losing party to fulfill an achievement, which is a right of the party won. As stated in the court's decision, Djazuli Bachar views the execution as a form of law enforcement. Djazuli Bachar said the execution was Law Enforcement or enforcing the law was a forced effort to carry out the decision because the party or one of the parties in the court's decision did not want to obey voluntarily.

3. Land Case

According to Mudjiono, there are several factors that cause land disputes. First, incomplete regulations; second, incompatible regulations; third, land officials who are less responsive to the needs and amount of land available; fourth, inaccurate and incomplete data, fifth, incorrect soil data; sixth, limited human resources tasked with resolving land disputes; seventh, wrong land transaction; and eighth, there is a settlement from other agencies, resulting in overlapping authority.

RESEARCH METHOD

1. Research Type.

This thesis research is included in empirical law research. According to Soetandyo Wignjosubroto's view, when the law was conceptualized as natural and universal principles of truth and justice, why when the law intervened and resolved the problem, a criminal act took place.

2. Research Aspects.

The aspects relating to this research are as follows:

- a. Forms of criminogenic behavior refuse execution and vigilantism such as beatings, throwing, burning of people's houses as a form of rebellion against the execution of civil cases based on the Supreme Court's Cassation Decision Number: 3547 K / Pdt / 2015, conducted by the Kupang District Klas District Court.
- b. Identification of the causes of criminogenic behavior displayed by the community as a form of rejection of the execution of civil cases based on the execution of the Supreme Court's Cassation Decision Number: 3547 K / Pdt / 2015, conducted by the Kupang District Court.

3. Research data types.

The types of data used in this study are:

- a. Primary Data is data obtained directly from the first source, namely the behavior of citizens, through research. Primary data is information, statements or facts obtained directly from research in the field. As for what is included in the primary data in this study is information on Criminogen Behavior from the public as a reaction to the court's decision.
- b. Secondary data is data that comes from sources that are already available, which include legislation, contracts, research results in the form of reports, books on civil

law, books on guarantee law, books on law agrarian, electronic publications and other forms related to empirical research. Secondary data can be in the form of Primary, Secondary or Tertiary legal material.

4. Data Sources.

- a. Primary Data Sources. Sources of data collected include information from parties directly involved with the problem under study in this case Crimonogen behavior that arises in society.
- b. Secondary Data Sources. Secondary data sources are sources of data obtained directly in the form of information. Secondary data sources are used to complement and support primary data sources.

5. Data Collection Techniques.

a. Interview

Interview is one of the data collection techniques used to obtain information and information from respondents either face to face or not. This interview aims to gather information about human life and their opinions.

b. Literature Study

Study documents are used to collect secondary data, obtained through a variety of literature including legislation, books, reports on the results of previous researchers and other documents that have relevance to the problem under study.

6. Data Analysis Techniques.

All data collected in full from the field must be analyzed, processed and utilized and processed through the following stages:

- a. Data inventory, i.e. all data that has been collected is recorded or registered.
- b. Data classification, i.e. all data that has been inventoried is carried out in a classification or categorization of urgency in accordance with research interests.

- c. Systematization, which is the process of sorting or classifying primary legal materials, secondary legal materials, and tertiary legal materials in order to facilitate the search for information needed to address the main problems in this study.
- d. Data verification, which is an effort to find or categorize data according to the problem under study.

RESEARCH RESULT

1. Forms of Criminogenic Behavior as Reactions to Court Judgments.

a. Deterrence of Judicial Officers.

At the time of the execution, the community refused by carrying out acts of deterrence against court officials. The Deterrence Act was carried out using large stones which were piled to close various access roads leading to the disputed object.

b. Physical violence.

A form of criminogenic behavior is a beating carried out by a community executed against the case winner in the Supreme Court Decree No. 3547 K / Pdt / 2015 Mr. Yery billik. The action was carried out while the execution process was underway which resulted in Mr Yery's room being secured by police officers while overseeing the execution process. The car or vehicle of the PLN officer was also thrown using stones and the PLN officer was chased by the mass to be beaten.

c. Psychic violence.

The form of criminogenic behavior is to threaten Mr. Yery Billik and court officials when the execution process is underway. Executed people say that if this house collapses then you will not leave this place safely. Threats are also accompanied by swear words. These threatening actions resulted in the loss of confidence of the court officials to carry out the executions.

d. Burning of Citizens' Houses.

after the execution process was completed one of the houses of the residents that were not executed was burned down by the community.

e. Stay Occupied Location of Execution.

The executed party still occupies the location of the execution to this day.

f. Assault Against Case Winners.

the defendants Alexi Tolaik, Charles Tolaik, Deki Tolaik, Alexander Manafe on Tuesday, August 8, 2017 around 16.00 West Indonesia Time in August 2017 in Oangkasu location where the execution was carried out. The defendants committed violence against people and goods as the writer found in Decision Number 29 / Pid.B / 2018 / PN.Kpg

2. Factors that Cause Criminogen Action.

a. Inheritance Factors.

The occurrence of criminogenic acts from the community is because the land that is the object of the dispute is obtained by the winner of the case not from the original land owner, but from someone else who obtained the land from an engineering court decision.

b. How to get the land factor.

The case winner wins the land evidence of a letter of surrender of rights from non-original landowners, giving rise to criminogenic acts.

c. Factors Not Satisfied With Court Decisions.

Because the Court's Decision was deemed wrong by the community because it had won a person who was not the owner of the original land, granted the request for execution from the non-owner of the original land, so this resulted in various kinds of criminogenous actions.

d. Environmental Factors.

Each person's environment is very influential on the actions and behavior of someone in committing crime. If the child is born into a family who is a village thug and is accustomed to committing crime, then the child will automatically follow the actions of his parents. Moreover, the child's parents have been known to commit crimes of theft, beating, and being feared in the village for their crimes. So that by committing a crime of assault against another person committed together with his father, there will be no fear of committing a crime even the child will be determined to commit anarchic acts

CONCLUSION

1. Forms of Criminogenic Behavior are Deterrence of Judicial Officers, Physical Violence, Psychological Violence, Burning of Residents' Houses, continued to occupy the location of execution, Assault against case winners.
2. Factors causing the emergence of criminogenic behavior from the community are inheritance factors, factors in how to obtain land, factors not satisfied with court decisions, environmental factors.

SUGGESTION

1. It is hoped that the government will immediately implement the provisions of article 19 paragraph (2) of the Law on Agrarian Books and Government Regulation Number 24 of 1997 concerning land registration, by recording physical and juridical data in the land book, so that it becomes a guideline for law enforcers in completing a matter.
2. For Law Enforcement Officials especially Judges when deciding a case must really know who the real owner is in order to prevent criminogenic acts from the public.

REFERENCES

- Adon Nasrullah Jamaludin, 2016, *Fundamentals of Social Pathology*, Bandung, Pustaka Setia.
- Burhan Ashshofa, 2001, *Qualitative research methodology*, Gramedia, Jakarta.
- Djuzali Bachar, 1998, *Execution of civil case decisions*, Jakarta, CV. Pressindo Academics.
- Dr. Mohammad Saleh, 2012, *Bunga Rampai Indonesian Civil Procedure Law*, Bandung, Alumni.
- I.S. Susanto, 2011, *Criminology*, Yogyakarta, Genta.
- Riduan Syahrani, 2000, *Basic Material for Civil Procedure Law*, Bandung, Citra Aditya.
- Soerjono Soekanto, 2008, *Introduction to Legal Research*, Jakarta, UI Press