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Criminal Policy And The Prevention Of Street Crime In Indonesia: An Integrated Analytical Reflection

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Abstract

Street crime ranging from robbery, motorbike theft, drug-related offenses, to assault remains one of the most pressing challenges to public security in Indonesia. Although regulated under the Indonesian Penal Code (KUHP) and related statutes, these provisions are too general and do not classify street crime as a distinct category, often leading to fragmented enforcement and weak institutional coordination. Current criminal policy still relies heavily on punitive measures such as arrests and imprisonment. The objective of this study is to critically analyze the weaknesses in Indonesia's criminal policy for combating street crime and to propose a reconstruction through an integrated approach that harmonizes preventive, repressive, and restorative strategies. The research adopts a normative juridical methodology, drawing on primary legal materials such as the 1945 Constitution, the KUHP, Law No. 2 of 2002 on the Police, and relevant Police Regulations (Perkap), complemented by secondary sources including scholarly writings, journal articles, and comparative studies. The findings reveal that Indonesia's criminal policy is hindered by several structural weaknesses: (1) an absence of a holistic, integrated framework; (2) overemphasis on punitive measures at the expense of prevention; (3) inadequate legal adaptation to emerging crimes; (4) corruption and weak professionalism in law enforcement; and (5) poor coordination between central and local governments. These weaknesses are further compounded by cultural and community perceptions that often obstruct restorative

justice initiatives, leaving repressive enforcement as the dominant mechanism. The study concludes that Indonesia's criminal policy remains unbalanced and insufficient in addressing the root causes and impacts of street crime. To move forward, reconstruction is urgently required through the adoption of an integrated approach that combines penal and non-penal instruments, strengthens institutional coordination, expands preventive measures, and incorporates restorative justice. As a recommendation, the research suggests: (1) clearer legal frameworks that explicitly regulate street crime and integrate preventive measures; (2) enhanced resources, training, and ethical standards for law enforcement officers; (3) stronger collaboration between central and local governments in designing community-based crime prevention programs; and (4) systematic public education to foster acceptance of restorative justice.

Key words: Crime, policy, Integrated, Regulation

1.1 INTRODUCTION

In the global development of criminal law, scholars widely agree that preventing crime is far more effective and beneficial than merely reacting to it through punitive measures. Prevention not only reduces the occurrence of unlawful acts but also minimizes the social, psychological, and economic harm that crime inflicts on individuals and communities. This principle is particularly relevant in Indonesia, where rapid modernization, economic inequality, unemployment, and shifting lifestyles have contributed to the persistence of various forms of criminality. Among these, street crime has emerged as one of the most prevalent and troubling forms of conventional crime, directly threatening public security and social stability.

Street crime including robbery, motorbike theft, drug-related offenses, assault, and other acts of violence represents criminal activity that is closest to everyday life. Its pervasive nature instills fear, disrupts social harmony, and diminishes productivity within society. Despite the existence of legal instruments such as the Indonesian Penal Code (KUHP) and related statutory laws, the frequency of street crime demonstrates the limitations of purely repressive approaches. The challenge lies not only in punishing offenders but also in addressing the structural conditions that give rise to such crimes.²

Criminal policy, as part of Indonesia's broader legal framework, plays a crucial role in balancing repressive measures with preventive strategies. A criminal policy that relies solely on punishment risks overwhelming the justice system while failing to reduce crime rates in the long term. Conversely, an integrated approach combining legal enforcement with social, educational, economic, and community-based initiatives offers a

f346

¹ Moch. Marsa Taufiqurrohman, 'Adopting Osman Warning in Indonesia: An Effort To Protect Potential Victims Of Crime Target' (2022), *Jurnal Hukum dan Peradilan*, Vol. 11, no. 3, pp. 477-498, available at https://www.jurnalhukumdanperadilan.org/jurnalhukumperadilan/article/view/708.

² Tansif ur Rehman et al, 'Analytical Study of Street Crimes in Developed and Developing Countries' *Pakistan Journal of Int'L Affairs*, Vol 5, Issue 3

more comprehensive solution. Such an approach recognizes that the fight against crime cannot rest solely on law enforcement agencies but must also involve broader societal participation.³

This study, therefore, seeks to reflect analytically on criminal policy and the prevention of street crime in Indonesia through an integrated approach. By examining the strengths and weaknesses of existing legal frameworks and practices, while also considering the role of non-legal factors such as social policy and community empowerment, the research aims to contribute to the formulation of a more effective and just criminal policy. Ultimately, the integration of preventive and repressive measures is necessary to ensure public security, uphold justice, and strengthen the rule of law in Indonesia.

1.2 Analyzing Gaps in Street Crime Prevention and Response Strategies in Indonesia

Street crime remains one of the most pressing challenges for public security in Indonesia, manifesting in forms such as robbery, motorbike theft, assault, and drug-related offenses. Although the Indonesian Penal Code (KUHP) and supplementary laws criminalize these acts, significant gaps persist in the design and implementation of preventive strategies. Law enforcement agencies have tended to emphasize repressive measures arrests, prosecutions, and imprisonment while giving less attention to preventive initiatives that address root causes such as unemployment, poverty, and inadequate urban security infrastructure.⁴ As a result, despite recurring police operations, street crimes continue to disrupt social order and generate a climate of fear in local communities.

According to the **2024 Global Peace Index**, Indonesia ranks 48th globally⁵, indicating that while the country is relatively peaceful compared to many others, it still faces notable challenges in internal security and social stability. Everyday crimes, particularly street crimes, directly affect the safety and security indicators used in such international assessments. This reflects the reality that traditional enforcement measures alone are insufficient to secure sustainable peace and stability. A stronger focus on preventive policies, crime reduction strategies, and the reinforcement of community trust in policing is therefore essential to closing these security gaps.⁶

A further gap lies in the area of response mechanisms. While police interventions such as patrols and stopand-search practices are widely used, they often lack transparency, accountability, and proportionality. Without effective oversight, these measures risk undermining public trust, particularly when they disproportionately affect marginalized groups. Moreover, Indonesia lacks a fully integrated system linking

³ Derita Prapti Rahayu et al, 'Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code. *Cogent Social Sciences*, 10(1). https://doi.org/10.1080/23311886.2023.2301634.

⁴ Samsidar Samsidar, 'Criminal Policy in Combating Street Crime in Indonesia' (2025), Journal of Strafvordering, Vol.2 No.1, available at https://www.researchgate.net/publication/391929564_Criminal_Policy_in_Combating_Street_Crime_in_Indonesia ⁵ Institute for Economics & Peace, 'Global Peace Index 2024: Measuring Peace in a Complex World' (Institute for Economics & Peace 2024) https://www.visionofhumanity.org/resources.

⁶ John M. Modise, 'Community Engagement in Policing: A Path to More Meaningful, Knowledgeable, and Successful Public Consultation' (2023), International Journal of Innovative Science and Research Technology, Volume 8, Issue 6, available at (PDF) Community Engagement in Policing: A Path to More Meaningful, Knowledgeable, and Successful Public Consultation

law enforcement with social services, education, and community-based organizations. This weakens the capacity to deliver holistic responses that combine deterrence with rehabilitation and reintegration.⁷

In this context, the definition of crime prevention provided by the United Nations Economic and Social Council (ECOSOC) is particularly relevant: crime prevention should not only be understood as immediate control through policing, but as a set of strategies and methods designed to reduce the likelihood of crimes occurring and to mitigate their negative effects on individuals and society. This includes addressing the underlying social, economic, and cultural causes of crime, such as unemployment, poverty, and social inequality, rather than relying solely on reactive enforcement measures.⁸

However, in practice, many crime prevention strategies including in Indonesia remain heavily dependent on repressive interventions such as police stops. These stops, which involve officers halting individuals or groups in public spaces for investigation or questioning, are among the most debated yet widely used tools in contemporary policing, often aimed at tackling violent or weapon-related offenses. While they serve as a visible deterrent, their effectiveness and fairness are contested, and when implemented without transparency or accountability, they risk undermining public trust and failing to address the deeper root causes of street crime. In the Indonesian context, analyzing gaps in street crime prevention and response strategies must consider how interventions like police stops are applied, their alignment with legal safeguards, and whether they genuinely reduce crime or instead contribute to public distrust and uneven enforcement.

Finally, the absence of comprehensive coordination between national and local governments exacerbates inconsistencies in crime prevention policies. Decentralization has granted local governments greater authority, but many lack the institutional capacity and resources to design innovative, community-based programs. As a result, strategies remain fragmented and reactive rather than preventive. Analyzing these gaps underscores the urgent need for integrated approaches that balance enforcement with preventive measures, community engagement, and structural reforms, ensuring that efforts to combat street crime in Indonesia are both effective and sustainable.

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⁷ Sepa Munawar, 'Review of Law Enforcement in Indonesia' (2023), Jurnal Hukum Islam dan Humaniora, Volum 2, Number 1, available at https://www.researchgate.net/publication/369059559_Review_of_Law_Enforcement_in_Indonesia.

⁸ United Nations Office on Drugs and Crime, 'Action to Promote Effective Crime Prevention' (2022), ECOSOC Resolution 2002/13, available at https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/resolution 2002-13.pdf.

⁹ Kevin Petersen et al. 'Police stops to reduce crime: A systematic review and meta-analysis' (2023), Campbell Syst Reviews, PP. 1-42 https://pmc.ncbi.nlm.nih.gov/articles/PMC9831287/.

1.3 Problem Statements

Criminal policy in Indonesia has largely leaned toward punitive strategies, with heavy reliance on law enforcement interventions. Police patrols and stop-and-search practices, while widely used, often lack transparency, accountability, and proportionality. Without strong oversight, these measures can erode public trust, particularly when disproportionately targeting marginalized groups. ¹⁰

At the same time, Indonesia has yet to establish a fully integrated system that links law enforcement with social services, education, and community-based organizations institutions that are crucial for delivering holistic crime prevention strategies combining deterrence, rehabilitation, and reintegration. This gap underscores the importance of shifting toward preventive approaches, which not only reduce the incidence of unlawful acts but also mitigate the social, psychological, and economic harm that crime inflicts on individuals and communities.¹¹

Furthermore, the absence of clear coordination between national and local governments exacerbates these challenges. Although decentralization grants greater authority to local governments, many lack the institutional capacity and resources to design and implement innovative, community-based crime prevention programs. The result is a fragmented, reactive approach that addresses crime after it occurs rather than preventing it at its roots.

Against this backdrop, there is an urgent need to reconstruct Indonesia's criminal policy for street crime by adopting an Integrated Approach. Such an approach would harmonize punitive measures with preventive, social, and community-based initiatives.¹² It would promote collaboration between central and local governments, law enforcement, civil society, and educational institutions. In doing so, it could produce a criminal policy framework that is not only repressive but also preventive, restorative, and sustainable ensuring public security, reinforcing justice, and strengthening Indonesia's rule of law in the long term.

1.4 Conceptual Framework

The term criminal policy is derived from the concept of penal policy. As Muladi explains, criminal policy represents a rational and systematic effort by society to address crime. Crime itself can be understood both as a science and as an art, a dual character that is evident in the drafting of criminal law legislation,

¹⁰ Muhammad Jordan, 'Criminal Case Handling in Indonesia: Challenges, Reforms, And Future Directions' (2024), Universitas Muhammadiyah Surakarta, pp. 182-192, available at

 $[\]frac{https://www.bing.com/search?pglt=43\&q=Criminal+policy+in+Indonesia+has+largely+leaned+toward+punitive+strategies\%2C}{+with+heavy+reliance+on+law+enforcement+interventions.+Police+patrols+and+stop-and-}$

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¹¹ ibid

¹² Butt, S. 'Indonesia's new Criminal Code: indigenizing and democratizing Indonesian criminal law? (2023) *Griffith Law Review*, 32(2), 190–214. https://doi.org/10.1080/10383441.2023.2243772.

particularly in the formulation of principles, the establishment of legal norms, and the design of institutions. ¹³The application of criminal policy through the use of criminal law (penal means) must be carried out consciously and deliberately. This implies that every choice and determination of criminal law as an instrument for combating crime must carefully consider the various factors that influence its function and effectiveness in practice.¹⁴

Crime is a social phenomenon, part of wider historical and economic processes that shape human relations. It reflects the existence of oppression and exploitation, both direct and structural, which result in unmet human needs and violations of fundamental rights. W.A. Bonger defines crime as anti-social behavior consciously opposed by the state through punishment. In legal terminology, crime is known as delict or tindak pidana, translated from the Dutch strafbaar feit or English criminal act. In Indonesian criminal law discourse, the most common term used is tindak pidana.¹⁵

Street crime is a category of crime that typically occurs in public spaces and directly affects ordinary citizens, often creating insecurity and social unrest. 16 Kartono defines crime in its legal sense as behavior that contradicts human morality, is anti-social, and violates criminal law. From a sociological perspective, crime encompasses acts, speech, and behavior that harm society economically, politically, or sociopsychologically, even if not explicitly codified in criminal law. Street crimes include robbery, theft, motorcycle theft, assault, and other conventional crimes that disrupt public safety.

Crime Prevention and Control: Crime prevention and control policies are implemented through penal means (criminal law) and must be aligned with broader social policy goals, namely social welfare and social defense. Criminal policy forms part of law enforcement policy, which itself is part of social policy and legislative policy. At its core, criminal policy is an integral effort to achieve social welfare while ensuring protection for society.

Integrated Approach: An integrated approach in crime prevention involves combining multiple strategies: a social approach, which focuses on improving community welfare, and a legal approach, which utilizes both penal and non-penal instruments. This approach covers both preventive measures (to stop crimes before they occur) and repressive measures (to respond to crimes that have already occurred), ensuring a comprehensive strategy for combating crime.¹⁷

¹³ Yasmirah Mandasari Saragih et al, 'The Relationship Between Criminal Policy and Social Policy' (2024), International Journal of Sociology and Law, Vol. 1, No. 3, Pages 137-143 available at file:///C:/Users/previ/Downloads/IJLS-+VOL.+1,+NO.+3,+AUGUST+2024+hal+137-143.pdf.

¹⁴ ibid

¹⁵ Yesril Anwar Adang, 'Criminology in Indonesia' (2010), Open Library 178

Sarker Diya, 'Street crime' (2024) Glossariz, available at https://glossariz.com/criminology/streetcrime#:~:text=Street%20crime%2C%20within%20the%20field%20of%20criminology%2C%20is,of%20criminal%20activities %20that%20unfold%20in%20public%20spaces.

¹⁷ Modise, Dr. J. M., 'Advancing Strategies in Policing and Crime Prevention' (2025) IRASS Journal of Multidisciplinary Studies, 2(3),17-26. Available at

1.5 Research Methodology

This study applies a normative juridical method, emphasizing the analysis of laws, statutory provisions, and legal principles that govern Indonesia's criminal policy and its implementation in combating street crime. The research draws primarily on primary legal sources, including the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), Law No. 2 of 2002 on the Indonesian National Police, Presidential Decree No. 70 of 2002 on Police Organization, and Police Regulations such as Perkap No. 1 of 2009 on the Use of Force and Perkap No. 8 of 2009 on Human Rights. These legal instruments form the normative framework for evaluating government and law enforcement measures. To complement this, secondary sources such as scholarly writings, journals, and expert commentaries are used to contextualize legal provisions, while tertiary sources like dictionaries and encyclopedias clarify key terms.

The analysis combines a statutory approach to examine binding legal norms, a conceptual approach to clarify key ideas like criminal policy, prevention, and the integrated approach, and a comparative-analytical approach to identify gaps between law and practice. Using a qualitative analytical method, the study systematically interprets these materials to assess the effectiveness and weaknesses of current criminal policies in addressing street crime. The ultimate goal is to propose a reconstruction of criminal policy that integrates penal and non-penal measures, law enforcement reform, and social strategies to create a balanced framework that ensures justice, proportionality, and sustainable crime prevention in Indonesia.

1.6 Weaknesses in the Formulation and Implementation of Criminal Policy in Combating Crime in Indonesia

Indonesia's criminal policy continues to face several structural weaknesses that reduce its overall effectiveness. First, policy design often lacks a comprehensive and integrated approach, leaving responses fragmented across institutions. Second, the system remains heavily punitive, prioritizing repressive measures such as imprisonment over preventive strategies that address root causes of crime. ¹⁸Third, legal instruments have been slow to adapt to emerging crimes, particularly in the area of cybercrime and other technologically driven offenses. Fourth, corruption within law enforcement institutions undermines public trust and weakens the credibility of the justice system. Finally, inconsistencies in the implementation of laws arising from both vertical conflicts between central and local governments and horizontal conflicts among agencies create legal uncertainty. ¹⁹ Collectively, these weaknesses highlight the urgent need for reforms that strengthen preventive

https://www.researchgate.net/publication/389635745 ADVANCING STRATEGIES IN POLICING AND CRIME PREVEN TION.

¹⁸ Muhammad Rustamaji et al, 'The Reduction of Criminal Justice Policy in Indonesia: Justice versus Virality' Journal of Human Rights, Culture and Legal System, Vol. 5, No. 2, pp.442-472, available at file:///C:/Users/previ/Downloads/3-20250731204923.pdf.

¹⁹ Dibi Vation Manik et al, 'Reform of Indonesian Criminal Law Reviewed from Law Number 1 of 2023 About the Criminal Code' (2025), International Journal of Sociology and Law, Volume. 2, Number 1, file:///C:/Users/previ/Downloads/IJSL+VOLUME.+2,+NOMOR.+1,+TAHUN+2025+Pages+177-191.pdf.

mechanisms, promote ethical standards in law enforcement, and modernize legal frameworks in line with technological and societal changes.

The history of the journey of Indonesian criminal law records that efforts to replace the colonial Criminal Code have begun since the early days of independence. However, this renewal is hampered by various factors, such as limited resources, pros and cons in the application of new values, and the influence of foreign legal systems that are still dominant.²⁰ Moreover, the renewal of criminal law faces multiple challenges. Introducing concepts such as restorative justice demands not only a shift in legal culture but also extensive training for law enforcement personnel and greater public awareness regarding alternative methods of resolving criminal cases. 21

However, its implementation continues to face several obstacles that weaken the overall effectiveness of crime prevention strategies, particularly in addressing street crime. According to Anggara and Mukhlis, these barriers can be identified across on the following; - ²²

First, law enforcement factors reveal that the success of restorative justice depends heavily on the impartiality and professionalism of officials. If consensus between offender and victim cannot be reached, cases are pushed into the prosecutorial process, which diminishes the preventive potential of this mechanism.

Second, facilities and infrastructure factors hinder practical implementation. Limited mediation spaces and resource constraints restrict prosecutors' ability to educate parties on the benefits of non-punitive settlement, making restorative practices difficult to optimize. Third, community factors also contribute to resistance, as public perceptions often reject restorative justice for crimes deemed disruptive to social order, such as violent offenses under Article 170 of the Penal Code. Finally, cultural factors create further complications. While local wisdom may encourage reconciliation, strong family ties or the dominance of community leaders can distort mediation, leading to resolutions that do not fully uphold the principles of justice.²³

These weaknesses demonstrate that Indonesia's criminal policy remains heavily reliant on punitive approaches and lacks the holistic, integrated framework needed to effectively prevent street crime. Without addressing the legal, institutional, social, and cultural barriers to restorative justice, preventive strategies risk being sidelined, leaving repressive enforcement as the dominant mode of crime control.²⁴ Overcoming these

²¹ Muhamad Adystia Sunggara et al, 'The Challenges and Potential of Implementing Restorative Justice for Minor Criminal Offenses in Indonesia' (2024), Journal of law, Politics and Humanities, Vol. 5, No. 2, available at file:///C:/Users/previ/Downloads/Artikel+71+Mimi.pdf.

²² P Anggara and M Mukhlis, Penerapan Keadilan Restoratif Pada Tindak Pidana Pencurian Ringan' (2019) 3(3) Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana 468

²³ ibid

²⁴ Adebobola Omowon et al, 'Restorative justice practices: Bridging the gap between offenders and victims effectively' (2024) World Journal Advanced Research and Reviews, 24(03), 2768-2785, available https://www.researchgate.net/publication/387602052 Restorative justice practices Bridging the gap between offenders and victims effectively.

gaps requires comprehensive reforms strengthening legal certainty, enhancing law enforcement capacity, improving facilities, and reshaping community perceptions so that restorative justice can function as a genuine complement to punitive measures. In this way, criminal policy can evolve toward a more balanced and integrated approach, combining deterrence, prevention, and rehabilitation to reduce the prevalence of street crime in Indonesia.²⁵

The Indonesian Criminal Code (KUHP) addresses offenses commonly associated with street crime such as theft under Article 362 and assault under Article 351 yet these provisions remain broad and do not classify street crime as a distinct category. This general framework often leads to fragmented enforcement and weak institutional coordination, reducing the overall effectiveness of crime control. Complementing this, Law No. 2 of 2002 assigns the Indonesian National Police the primary responsibility for maintaining public security and order. In practice, the police pursue preventive strategies such as routine patrols alongside repressive measures through arrests and prosecutions. Nevertheless, these efforts are constrained by limited resources and inadequate coordination with other institutions, which hinders their capacity to sustainably curb street crime.

Within the context of criminal policy and prevention in Indonesia, these shortcomings highlight a critical gap: the overreliance on repressive tactics without sufficient integration of preventive, social, and community-based strategies. An integrated analytical reflection thus becomes essential to reconstruct existing policies, ensuring that legal instruments, institutional roles, and preventive initiatives are aligned to more effectively combat street crime and enhance public safety.²⁷

²⁵ supra

²⁶ Fany Adistyawan et al, 'Criminal Liability in The Act of Theft (Vide Article 362 Kuhp) Of Gold Which Is Committed On A Continuous Basis (Voortgezette Handeling Vide Article 64 Kuhp)' (2024) Jurnal Poros Hukum Padjadjaran, Volume 5, Number 2,

https://www.researchgate.net/publication/381463081 CRIMINAL LIABILITY IN THE ACT OF THEFT VIDE ARTICLE 362 KUHP OF GOLD WHICH IS COMMITTED ON A CONTINUOUS BASIS VOORTGEZETTE HANDELING VIDE ARTICLE 64 KUHP.

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