

Analysis Robbery from a Criminal Law Perspective: Law Enforcement, Criminal Accountability, and the Effectiveness of Sanctions

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Info Article	Abstract
<p>Article History Received: 2025-09-07 Revised: 2025-09-15 Published: 2025-09-30</p> <p>Keywords: <i>Robbery; legal aspects; criminal law; law enforcement; community protection.</i></p>	<p>This study aims to analyze the crime of robbery from a criminal law perspective, with a focus on law enforcement, criminal liability, and the effectiveness of criminal sanctions. The background of this study is based on the increasing crime rate, especially robbery, which not only causes property damage but also threatens the safety and security of the community. This study uses a normative juridical method with a statutory and conceptual approach, and is supported by literature and documentation studies of primary and secondary legal materials. The research stages include data collection, data reduction, data presentation, and normative analysis of applicable legal provisions, especially Article 365 of the Criminal Code (KUHP). The results of the study indicate that normatively, the regulation regarding robbery has been strictly regulated with severe criminal threats, however, in practice, law enforcement still faces various obstacles, such as weak evidence, limited apparatus resources, and inconsistencies in judges' decisions.</p>

I. INTRODUCTION

The increasingly complex social and economic developments in society are a consequence of the ongoing processes of development, modernization, and globalization. While these changes have positive impacts in the form of technological advancements, increased social mobility, and economic growth, they have also given rise to various social problems, one of which is the rising crime rate. Factors such as social inequality, economic pressure, urbanization, and weak social control have contributed to the emergence of various forms of crime in society, including robbery.

Robbery is a crime with serious consequences, not only causing property damage but also threatening lives and psychological trauma for victims. Unlike ordinary theft, robbery is carried out with violence or the threat of violence, creating fear and insecurity in the community. Therefore, robbery is categorized as a serious crime that disrupts public order and social stability.

Under Indonesian criminal law, robbery is regulated under the Criminal Code (KUHP), specifically Article 365, which qualifies robbery as theft with violence. Although legally regulated with severe penalties, in practice, robbery remains a frequent occurrence with increasingly complex methods of operation. This indicates that

existing law enforcement has not been fully effective in reducing the crime rate.

Furthermore, law enforcement against robbery also faces various obstacles, such as weak evidence, limited legal resources, and inconsistencies in the imposition of criminal sanctions by judges. This situation raises questions about the criminal accountability of perpetrators and the effectiveness of criminal sanctions in providing a deterrent effect and protecting the public.

Based on these issues, this study aims to analyze the legal provisions for the crime of robbery, law enforcement and criminal liability of perpetrators, and the effectiveness of criminal sanctions in combating robbery. Therefore, this research is expected to contribute to the development of criminal law and serve as evaluation material for more effective and equitable law enforcement efforts.

II. RESEARCH METHODS

This research is a qualitative research, which aims to understand and analyze legal issues in depth through a review of legal norms, legal concepts, and the views of criminal law experts. A qualitative approach was chosen because this research is oriented towards the meaning, interpretation, and conceptual analysis of the crime of robbery from a criminal law perspective,

particularly regarding law enforcement, criminal liability, and the effectiveness of criminal sanctions. Specifically, this research uses a normative juridical approach. This approach focuses on the study of written law (law in books), namely the laws and regulations governing the crime of robbery, especially the Criminal Code (KUHP), specifically Article 365 of the KUHP. Through this approach, the researcher attempts to examine how criminal law provisions regulate the act of robbery, its elements, and the criminal sanctions imposed on the perpetrator.

In addition, a conceptual approach is also used to understand legal concepts related to law enforcement, criminal liability, and the effectiveness of criminal sanctions based on the doctrines and opinions of criminal law experts. This approach is important for assessing whether the application of criminal law to the crime of robbery is in accordance with the objectives of the law, namely justice, legal certainty, and benefit to society.

III. RESULTS AND DISCUSSION RESULTS

A. Research Results on the Regulation of Criminal Acts of Robbery

Based on research results, it was discovered that the criminal act of robbery under Indonesian criminal law is regulated under Article 365 of the Criminal Code (KUHP). This provision qualifies robbery as theft accompanied by violence or the threat of violence.

The results of the study show that:

1. The main elements of the crime of robbery include:
 - a. The act of taking goods;
 - b. Other people's belongings;
 - c. There is an intention to possess illegally;
 - d. There is violence or threats of violence.
2. The Criminal Code also regulates forms of criminal penalties, namely:
 - a. Done by more than one person;
 - b. Done at night;
 - c. Using weapons;
 - d. Result in serious injury or death.

3. The criminal threat in Article 365 of the Criminal Code is quite severe, ranging from imprisonment to life imprisonment or the death penalty under certain conditions.

B. Research Results on Law Enforcement and Criminal Accountability

The research results show that law enforcement against the crime of robbery is carried out through the criminal justice system involving the police, prosecutors and courts.

The main findings are as follows:

1. Law enforcement is not optimal, which is indicated by:
 - a. There are still unsolved robbery cases;
 - b. Limited evidence in the proof process;
 - c. Limited facilities and infrastructure of law enforcement officers.
2. The perpetrator's criminal responsibility is generally based on:
 - a. Fulfillment of the elements of a criminal act;
 - b. There is intent (dolus);
 - c. The perpetrator's ability to take responsibility.
3. In judicial practice:
 - a. Judges place more emphasis on proving the elements of the crime;
 - b. There are different decisions on similar cases;
 - c. Non-judicial considerations have not been used optimally.

C. Research Results on the Effectiveness of Criminal Sanctions

Based on the research results, the effectiveness of criminal sanctions in dealing with the crime of robbery shows the following findings:

1. Heavy criminal sanctions have not been fully effective in reducing the number of robbery crimes.
2. The deterrent effect on perpetrators is still limited, which is indicated by:

- a. There are still perpetrators who repeat criminal acts (recidivists);
 - b. High number of robbery crimes in several areas.
3. The effectiveness of criminal sanctions is more influenced by:
- a. Consistency of law enforcement;
 - b. Legal certainty;
 - c. Professionalism of law enforcement officers.
3. The dominant approach to punishment is still repressive and has not been balanced with a preventive and rehabilitative approach.

DISCUSSION

A. Analysis of the Regulation of the Criminal Act of Robbery in Indonesian Criminal Law

The criminal offense of robbery under Indonesian criminal law is regulated by Article 365 of the Criminal Code (KUHP), which qualifies robbery as theft with violence or the threat of violence. This provision demonstrates that robbery is a more serious offense than ordinary theft, as it involves not only property but also the victim's safety and sense of security.

Normatively, Article 365 of the Criminal Code contains clear elements, namely the act of taking another person's property with the intent to possess it unlawfully, accompanied by violence or the threat of violence. The element of violence is the primary distinction between robbery and ordinary theft and also serves as the basis for aggravating the crime.

Furthermore, this provision also addresses aggravating circumstances, such as being committed in a group, at night, using a weapon, or resulting in serious injury or death. These provisions reflect the legislator's efforts to provide maximum protection for the public.

However, upon further analysis, the provisions in the Criminal Code still have limitations. The Criminal Code does not specifically address the

development of modern crime modes, such as robbery involving technology, organized crime, or cross-border networks. This indicates that, while normatively adequate, these provisions still need updating to be more responsive to current developments.

Thus, it can be concluded that the regulation of the crime of robbery in Indonesian criminal law has a strong legal basis, but still requires adjustments to be more adaptive to the dynamics of modern crime.

B. Analysis of Law Enforcement and Criminal Accountability

1. Law Enforcement Analysis

Law enforcement against robbery is a process that involves various law enforcement agencies, from the police and the prosecutor's office to the courts. In law enforcement theory, the effectiveness of law enforcement is influenced by several factors: the law, law enforcement officials, facilities and infrastructure, the community, and legal culture.

In practice, law enforcement against robbery still faces various obstacles. For law enforcement officials, limited human resources and technology hinder solving robbery cases, especially those committed in an organized manner. In terms of evidence, many robbery cases are difficult to prove due to a lack of witnesses and evidence.

Furthermore, societal factors also play a role, such as low legal awareness and a reluctance to report or testify. This results in many robbery cases going unresolved or not being optimally prosecuted.

Thus, law enforcement against the crime of robbery has not been carried out effectively and still requires improvement, both in terms of the quality of officers, supporting facilities, and community participation.

2. Analysis of Criminal Responsibility

Criminal liability in robbery is based on the principle that there is no punishment without fault (*nulla poena sine culpa*). Therefore, a person

can only be punished if proven to have committed an act that fulfills the elements of a crime and is at fault.

In cases of robbery, the element of guilt generally involves intent (*dolus*), as the perpetrator knowingly commits the act with the intention of taking another person's property through violence or the threat of violence. Furthermore, the perpetrator must also possess the capacity to take responsibility, meaning they must not be in a condition that eliminates criminal liability.

In judicial practice, judges tend to emphasize proving the elements of a crime, particularly violence and malicious intent. However, differences in sentencing for similar cases are found. This difference indicates that criminal liability has not been applied consistently.

This inconsistency can be caused by differences in judicial interpretation, subjective considerations, and non-legal factors such as the perpetrator's background. This has the potential to create legal uncertainty and a sense of injustice in society.

Therefore, clearer sentencing guidelines are needed so that the application of criminal responsibility can be carried out more consistently and fairly.

C. Analysis of the Effectiveness of Criminal Sanctions

The effectiveness of criminal sanctions in robbery crimes can be analyzed based on the theory of punishment and deterrence (crime prevention). Criminal sanctions are essentially intended to deter perpetrators and prevent the public from committing similar crimes.

Based on the analysis, although the penalty under Article 365 of the Criminal Code is considered severe, in practice it has not been fully effective in combating robbery. This is evident in the persistently high number of robberies and the number of repeat offenders.

This shows that the severity of criminal sanctions is not the only factor determining the effectiveness of the law. The effectiveness of criminal sanctions is also greatly influenced by:

- Consistency of law enforcement;
- Legal certainty;

- Speed of the judicial process;
- The quality of the judge's decision.

Furthermore, the retributive approach to punishment has not been balanced with rehabilitative and preventive approaches. Effectively combating crime requires a more comprehensive approach, including improving the socioeconomic conditions of the community.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the results of research and discussion regarding the crime of robbery from a criminal law perspective, it can be concluded that the provisions regarding robbery in Indonesian criminal law are expressly regulated in Article 365 of the Criminal Code (KUHP) as a form of theft accompanied by violence or the threat of violence. This provision indicates that robbery is a serious crime that not only causes damage to property but also threatens human safety. From a law enforcement perspective, normatively, the mechanisms involving the police, prosecutors, and courts have been implemented in accordance with applicable provisions.

However, in practice, various obstacles remain, such as limited evidence, a lack of law enforcement resources, and low public participation in assisting the law enforcement process. Criminal liability for robbery perpetrators is generally based on the fulfillment of the elements of the crime and the presence of intent (*dolus*) on the part of the perpetrator.

However, in judicial practice, differences in the imposition of criminal sanctions by judges on cases with similar characteristics are still found, resulting in inconsistencies and potentially diminishing the sense of justice. Meanwhile, the effectiveness of criminal sanctions for robbery is considered less than optimal. Although the penalties imposed are considered severe, in reality, robbery still occurs frequently.

This shows that the effectiveness of criminal sanctions is not only determined by the severity of the punishment, but also by the consistency of law enforcement, legal certainty, and the social and economic factors underlying the crime.

B. Suggestion

Based on these conclusions, it is recommended that policymakers evaluate and

update the criminal law provisions governing robbery to be more responsive to the increasingly complex developments in crime methods. Furthermore, policies are needed that are not only repressive but also preventative through social and economic approaches to address the root causes of crime. Law enforcement officials are expected to improve their professionalism, integrity, and inter-agency coordination to create effective and just law enforcement. Improving the quality of evidence through the use of technology and strengthening human resource capacity is also crucial. Judicial institutions, particularly judges, are expected to issue decisions that are not only based on formal legal aspects, but also consider the objectives of punishment, such as deterrence and community protection, and maintain consistency in decisions to avoid disparities in sentencing.

Furthermore, the public is expected to increase legal awareness and play an active role in maintaining environmental security as an effort to prevent robbery. Finally, future researchers are advised to conduct more in-depth research using an empirical approach to provide a more comprehensive picture of the effectiveness of law enforcement against robbery in Indonesia.

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