

The Role of Criminology in Combating Law Violations Committed to Fulfilling the Needs of Life

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Abstract:

The economic conditions of the people are different. Groups of people classified as economically poor, such as beggars, buskers, street vendors, and hawkers, are sometimes forced to violate the law to meet their daily needs. Their activities are considered a disturbance to public order. They were criminalized and threatened with punishment. Earning a living is a human right guaranteed in the 1945 Constitution of the Republic of Indonesia. This situation is a confusion of thought and an error in implementing a worrying state administration. Criminology must play a role in overcoming this problem. The problem proposed in this research is what encourages citizens to violate the law in fulfilling their needs. Do citizens who violate the law in fulfilling their daily necessities need to be punished with criminal charges? What is the role of criminology in tackling this problem? The research method used in this research is a descriptive analysis aimed at describing social phenomena and social realities that occur in such a way so that these conditions can be understood as research in which relevance is achieved. The study results indicate that the factors that encourage community members to violate the law in fulfilling their daily needs are poor economic conditions. People who violate the law in fulfilling their daily needs as long as they are considered disturbing public order do not need to be threatened with criminal charges. Criminology plays a role in finding the causes of law violations committed by citizens in meeting their needs. Through the research results carried out, efforts can be made to overcome them.

Keywords:

the role of criminology; violation of law; community; living needs

I. Introduction

Crime is a complex phenomenon that can be understood from many different perspectives. That is why we can find various takes on a crime different from one to another in our daily lives. In our experience, it is not easy to understand crime itself. Famous scientists have studied the efforts to understand why acts of crime or evil have been done for centuries. For example, Plato (427-347 BC) stated in his book *Republic*, among others, that gold and humans are the sources of many evils.

Meanwhile, Aristotle (382-322 BC) stated that poverty led to crime and rebellion. The great evil is not committed to obtaining what is necessary for life but to luxuries. Thomas Aquino (1226-1274) gave some of his opinions on the effect of poverty on crime. A rich man who lives for pleasure and squanders his wealth, if someday he falls into poverty, tends to become a thief quickly. (Topo Santoso and Eva Achjani Zulfa, 2007).

What is called the term "crime" is a part of social life, living and inseparable from daily human activities. Robbery, rape, fraud, mugging and various forms of similar behaviour show the dynamics of social life. They judge each other and make relationships. If one is considered deviant behaviour, it is often or sometimes considered "evil". A person becomes evil because of the stamp that is given to him. (Howard S. Becker, 1963).

Crime is a very anti-social act that gets conscious opposition from the state in inflicting suffering (punishment or action) (W.A. Bonger, 1995). Crime is a form of violation of the law. In this study, the answer is to find the answer to the violation of the law committed by some members of the community who, in fulfilling their daily necessities, need to do things that, according to the regulations, are disturbing public order and are criminalized and threatened with criminal charges. The community members in question are beggars, buskers, street vendors, and hawkers. The activities carried out by this group do seem to disturb public order, but it should be investigated first what their reasons are. This situation is where the job of criminology is.

Criminology is the science that studies crime. P. Topinard invented the name Criminology, a French anthropologist, which comes from the word *crimen*, which means crime or criminals and *logos*, which means science, so criminology can mean the science of crime or criminals. (Topo Santoso and Eva Achjani Zulfa, 2007). Bonger defines criminology as a science that aims to investigate the symptoms of crime as broadly as possible (W.A. Bonger, 1995).

The problem of the cause of crime has always been a fascinating problem, both before and after criminology experienced growth and development as it is today. Various theories concerning the causes of crime have been proposed by various experts from various disciplines and fields of science. However, until now, there is still no satisfactory answer. (J.E. Sahetapy, 2005).

Finding reasons why people commit crimes to overcome them is not as easy as imagined because crimes are difficult to detect (Mien Rukmini, 2006). Based on the background of the problem, it encourages the author to conduct further research entitled *The Role of Criminology in Overcoming Law Violations by Community Members in Meeting their Life Needs*.

II. Review of Literatures

2.1 Human Rights Theory

Human rights are a set of inherent rights like human existence as creatures of God Almighty. They are His gift that must be respected, upheld and protected by the state, law, government and everyone for honour and protection of human dignity (Media Editorial Team). Center, 2007). Human rights are rights that humans have simply because they are human. Humans have it not because it was given to them by society or based on positive law but solely based on their dignity as human beings (Jack Donnelly, 2008).

The rights regulated and guaranteed in Law Number 39, 1999 concerning Human Rights include the right to life, the right to have a family and to produce offspring, the right to develop oneself, the right to obtain justice, the right to personal freedom, the right to security, the right to welfare, the right to participate in government, the rights of women and the rights of children. The principles of protection of human rights fundamental in material criminal law are the principle of legality and the principle of culpability (Barda Nawawi Arief, 2014).

In the Law on Human Rights: Article 9 paragraph (1): "Everyone has the right to live, maintain life and improve his standard of living". Article 11: Everyone has the right to fulfil their basic needs to grow and develop properly."

2.2 Theory of Justice

According to Aristotle, in the theory of Vindictive Justice: retaliation is applied in criminal law with a balanced measure of proportionality between the acts committed and the retaliation or sanctions applied (Wofgang Friedmann, 1993). Aristotle's Aristotle's opinion aligns with Article 6 of Law number 12 of 2011 concerning the Establishment of Legislations that every material contained in in-laws and regulations must reflect proportional justice for every citizen.

2.3 Legal Protection Theory

Legal Protection Theory plays the role of protecting legal subjects through applicable laws and regulations and is forced to be implemented with a sanction (Philipus M. Hadjon, 1987).

2.4 Strain Theory

There is a relationship between social class and criminal behaviour. All members of society follow a set of cultural values, namely the cultural values of the middle class. One of the most important cultural values is economic success. Since the lower class people do not have the legitimate means to achieve the goal, they become frustrated and resort to using the illegitimate means in desperation.

III. Research Methods

The research method used by the author is descriptive-analytical. This descriptive research aims to describe social phenomena and describe social realities that occur so that these conditions can be understood as research in which relevance is achieved. This descriptive research measures certain social phenomena where the research develops concepts and collects existing facts then verifies the data but does not test the hypothesis.

The data collection technique used in this research is the library research method that supports the writing of this scientific paper by utilizing the available libraries. The research collected data from several books, journals, articles, newspapers and other written sources. The author also does research through the internet to find a source in searching data.

The data processing technique used by the author is quantitative. This type of research is rooted in the background of nature as a whole, relying on humans as research tools. This type of research conducts data analysis inductively and descriptively. It directs the research objectives to find the basic theory, limits research to focus and has a set of criteria to check the validity of the data (Moleong, 1989).

In this paper, the author uses theories as a tool to explain the phenomena that occur. Then the analysis will be based on general understandings or facts, which are then analyzed, and the results will be able to solve a specific problem.

In conducting the research, there are generally four steps, including:

1. Data collection tools

Determining the quality of the data collected and the quality of the data determines the quality of the research. Therefore the data collection tool must get careful treatment. The data taken must have the conditions for rehabilitation and validity.

2. Data collection

The quality of the data is determined by the quality of the data collection tool or measuring device. If the data collection tool is quite variable, the data is also reliable and valid. However, there is still one thing that needs to be considered, namely the qualification of data collection. The procedures required by each data collection method must be met in proper order: primary and secondary data collection. The speaker directly collects primary data from the first source. At the same time, secondary data is indirect data arranged in the form of documents.

IV. Discussion

Let us exploring the factors Encouraging Citizens to Violate the Law in Fulfilling Their Living Needs. The problem of poverty is the main problem of the Indonesian people, which has always been a priority for the government and has become a routine agenda in the national development plan. Poverty is seen as an economic inability to meet basic food and non-food needs, as measured by expenditure. The problem of people's poverty and difficulty in fulfilling their daily needs is the leading cause of lawlessness in the community because they are forced to do it. At the same time, the more specific causes of this poverty problem can be seen in the socio-demographic conditions, education and employment of the head of the household, and housing conditions.

Article 9, paragraph (1) of the Law on Human Rights, states: "Everyone has the right to live, maintain life and improve their standard of living". Furthermore, Article 11 states: Everyone has the right to fulfil their basic needs to grow and develop properly. These two articles guarantee that everyone has the right to make efforts to fulfil their basic needs in order to maintain life and improve their standard of living. In carrying out these efforts, a group of people are forced to violate the law, namely the poor. What is meant by the poor in Law Number 13 of 2011 concerning the dealings of the Poor are "People who have no source of livelihood but cannot meet basic needs that are proper for the life of himself and his family."

The form of legal violation committed can be theft, regulated in the Criminal Code. It can also be a violation of public order, such as making a living by busking, begging, wiping cars and being hawkers, as regulated in the Capital city of Jakarta, Special Region Regulation number 8 of 2007 concerning Public Order.

As Aristotle said, poverty can lead to crime and rebellion. Aristotle argued that there are two types of crimes, namely minor crimes and significant crimes. Small crimes are committed because they are done to fulfil the necessities of life, while significant crimes are done to add to their wealth and luxuries (Wahju Muljono, 2012). (This study does not discuss significant crimes committed for luxury).

All the above is by the Strain theory that because people from lower classes do not have legitimate means to achieve their life goals, they become frustrated and use illegal means in desperation (Topo Santoso and Eva Achjani). Zulfa, 2007). This condition shows a very apprehensive and sad condition. This bad phenomenon is when poor people are forced to break the law to fulfil their needs. This compulsion is due to the limited ability they have.

The next discussion is about Criminal Threats for Citizens Who Break the Law in Fulfilling Their Living Needs. After understanding the factors that encourage community members to violate the law in meeting their needs as described in the material above, it is then

discussed whether the poor who are forced to violate the law to fulfil their needs must be criminalized and threatened with punishment.

According to the Legal Protection theory, legal subjects must be protected through applicable laws and regulations, which are forced to implement with a sanction (Philipus M. Hadjon, 1987). This variable means that the poor, as legal subjects, must be protected by laws and regulations. However, as a consequence, they can be subject to sanctions stipulated in these laws and regulations.

Talking about sanctions in statutory regulation, it is necessary to pay attention to the aspect of justice. According to Aristotle, retaliation or sanctions must be balanced with the act or violation of the law committed (Wofgang Friedmann, 1993). This situation follows Article 6 of Law No. 12 of 2011 concerning the Establishment of Legislations that every material in the content of laws and regulations must reflect proportional justice for every citizen.

The author thinks that if the poor violates the law that is considered to disturb public order to meet their daily needs, they do not need to be subject to criminal sanctions. This situation and condition show that the state of law enforcement in Indonesia has not shown significant development and has not provided a sense of justice among the people that they expect. To increase the empowerment of judicial institutions and law enforcement officers, it is necessary to improve the quality and capability of law enforcement officers who are more professional, with integrity and personalities.

The government should make some efforts to provide them with opportunities to train and learn skills to open businesses and earn their income. So the government is expected to be able to provide solutions to the problems faced by the middle and lower economic classes and not only expel them or even threaten them with criminal charges without providing enlightening solutions.

The next discussion is about The Role of Criminology in Overcoming the Problems of Citizens Who Break the Law in Fulfilling Their Life Needs. Criminology is the study of the causes of crime and how to overcome it. Criminology plays a role in providing research results on the causes of crime as material in preparing crime prevention and control efforts.

According to Thomas More, even if the punishment is severe, the crime cannot be stopped. It is necessary to find the cause of the crime and stop it. In order to stop or at least reduce crime, it is necessary to strive so that everyone earns sufficient income to meet their daily needs. Luxury. Most experts agree that prevention is better than punishment. Especially if the punishment is very severe, unfair or not by the crime committed, this sparked opposition—the emergence of criminology, which is increasingly developing (Wahju Muljono, 2012).

According to Baharudin Lopa, the main strategies to prevent crime are divided into three, namely:

1. Primary prevention: steps as strategic which are applied through social, economic and other areas of public policy
2. Secondary prevention: steps related to criminal justice policy
3. Tertiary prevention: concrete steps taken by the police to prevent crime, including those committed by recidivist criminals (Baharudin Lopa, 1996).

According to him, the most effective step is primary prevention because, to prevent crime, the root causes must first be eliminated, including socio-economic inequality, which is one of the causes of crime.

The author agrees with the experts that the cause must first be found to tackle crime. The reason is straightforward the poor economic conditions forced them to keep doing it. Especially for crimes committed to meet life necessities, the local government's efforts are to improve the community's economic conditions.

V. Conclusion

Several conclusions emerged in this study. Let us break it down one by one.

1. Factors that encourage citizens to violate the law in fulfilling their daily needs are poor economic conditions.
2. Community members who violate the law in fulfilling their daily needs as long as they are considered only disturbing public order do not need to be subject to criminal sanctions.
3. Criminology plays a role in finding the causes of law violations committed by citizens in meeting their needs. Through the results of research that has been carried out, efforts can be made to overcome them.

This study also recommends several things that are considered necessary. Here is the presentation.

1. The poor economic condition of the community has encouraged citizens to violate the law in fulfilling their daily needs, so the government should provide adequate employment opportunities for the community.
2. If there are members of the community who violate the law in meeting their daily needs, as long as they are considered only disturbing public order. Then the government should make efforts such as providing training and skills to open businesses to earn their income.
3. Criminology plays a more significant role in finding the causes of crimes, especially violations of the law committed to meeting life needs. If the causative factors have been identified, law violations can be prevented. Prevention is better than cure.

The endpoint of this research is the different economic conditions of the people. Groups of people classified as economically poor, such as beggars, buskers, street vendors, and hawkers, are sometimes forced to break the law to meet their needs.

Their activities are often considered to disturb public order. They are criminalized and threatened with punishment, even though earning a living is everyone's human right and guaranteed in the 1945 Constitution of the Republic of Indonesia. Criminology must play a role in overcoming this problem. Criminology is the science that studies the causes of crime and how to overcome them. The punishment imposed on the perpetrator does not necessarily stop the crime. If the cause of the crime is known, it is better to prevent it. Moreover, for violations of the law committed by some members of the community who are less able to meet their daily needs, which are considered disturbing public order, the perpetrators do not need to be threatened with criminal sanctions. The government should provide training and skills for them to open businesses to earn income.

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