

ENFORCEMENT OF “BACOKAN” CRIME LAW AS A WAY OF CONFLICT RESOLUTION

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Abstract— Stabbing is a criminal crime committed by someone using a sharp weapon, with the aim of hurting or even killing another person as a means of revenge. Likewise in the Tuban Regency area itself, where the crime of stabbing is normal, because it is considered a hereditary custom carried out to resolve conflicts. Every year, stabbing crimes in Tuban Regency always occur, resulting in fatalities such as injuries and even death, this is because in enforcing the law, stabbing crimes in Tuban Regency experience obstacles in terms of law, law enforcement, means or facilities, society and culture. The method used is empirical juridical with analytical descriptive methods and uses primary and secondary data sources. The results of the research obtained are that there are obstacles in the implementation of law enforcement for the crime of "Bacokan" in Tuban Regency, but the efforts to overcome cooperation between law enforcers and the community that have been carried out have not been optimal.

Keywords— *Stabbing, Crime, Law Enforcement, Conflict Resolution*

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I. INTRODUCTION

Crimes and violations regulated in the Criminal Code (KUHP) can be seen as objective criminal law, namely a criminal act that is classified according to the provisions of the law itself. According to Moeljatno, the definition of criminal law is part of the overall law that applies in a country [1]. Which is held with the basics and provisions regarding an act that cannot be carried out, is also prohibited from being carried out accompanied by criminal threats.

Factors that result in crimes or minor criminal acts that result in the loss of a person's life, such as murder, include:

1. Because of revenge.
2. Due to unequal or unfair distribution of inheritance.
3. Because of jealousy or envy.
4. Because of infidelity
5. Due to problems of differences of opinion between individuals
6. Due to Misunderstanding, etc

Problems in society often occur and lead to fights involving many people, for example criminal acts that disturb the community such as crimes committed using sharp weapons, for example criminal acts of murder, serious assault, aggravated theft, threats, kidnapping, beatings, abuse, and so on which are regulated by the Criminal Code (KUHP) [2].

The existence of sharp weapons itself is very useful and necessary for the purpose of arming or defending in order to defend life-threatening matters, but the use of sharp weapons itself is not in accordance with applicable laws and regulations. So this has very detrimental consequences for individuals and society, and can even pose a greater threat to the life and cultural values of a nation, which in the end can damage national resilience.

Crimes using sharp weapons occur almost evenly in all regions of Indonesia, one of which is Tuban Regency, which is the author's choice of place to conduct research in which there is a habit that has a negative impact regarding crimes using sharp weapons. This habit includes debates about self-esteem, namely resolving a problem or conflict that occurs in social life in Tuban Regency, which is often resolved by a crime using a sharp weapon or often called a slash and the motto "Senggol Bacok".

Stabbing according to the KBBI (Big Indonesian Dictionary) comes from the basic word Bacok which means to hit or split using a sharp weapon hard and a lot. Stabbing in

Tuban Regency itself is a habit that is classified as an act of violence or crime using sharp weapons in society to resolve a case/conflict [3]. The crime of stabbing is not only used to maintain self-respect, but is also used to resolve land disputes, misunderstandings of opinion, infidelity conflicts, and even family conflicts. Some people in Tuban Regency also use the habit of stabbing.

When the crime of stabbing occurs, people generally use sharp weapons in the form of sickles, machetes, samurai, and many others. In fact, this crime of stabbing is carried out by the people of Tuban Regency not only by random slashing, sometimes the underlying reasons are misunderstanding, offence, and other conflicts based on disharmony in neighborly relations, but it can also be due to someone's unconsciousness being under the influence of drink. alcoholic. So that it has an impact on other people who are opponents who suffer minor injuries, serious injuries or even the loss of someone's life.

The crime of stabbing has become a hereditary habit in the lives of the people of Tuban Regency as a way to resolve problems or conflicts and to find out the obstacles in law enforcement carried out by law enforcers regarding the crime of "Bacokan". Meanwhile, the method used is a form of crime that can cause victims [4]. So it is feared that instead of solving the problem, carrying out the stabbing will create new problems which can be said to be an act of crime. So, reviewing from the perspective of law enforcement methods carried out by law enforcers as an effort to solve the problems of the people of Tuban Regency and prevent the rampant occurrence of stabbings.

II. METHODS

The research method used is empirical juridical or sociological legal research or also research in the field, namely studying legal provisions or theories regarding the working process of law that applies in society. The scope of the research is the implementation of criminal law based on the Criminal Code in relation to criminal acts of abuse and murder [5]. This research applies descriptive analytical research methods by examining and producing data in the form of statements from respondents or sources which have been researched in full directly or in writing (Muhaimin, 2020). The data sources used in this empirical juridical legal research are primary data and secondary data, usually in the form of legal behavior from the community (empirical) which must be examined directly, namely obtained from direct interviews with the community and Tuban Regency law enforcers.

III. RESULT AND DISCUSSION

1. Description of the Criminal Imposition of Law Enforcement in the Stabbing Crime Case in Tuban Regency

Stabbing itself is a crime or crime which often occurs among people in Indonesia as a means of maintaining self-esteem, resolving land disputes, misunderstandings of opinion, extramarital affairs and even family conflicts which are also used by the community. People generally carry out stabbings using sharp weapons in the form of sickles, machetes, samurai, machetes and many others [6]. There are seven elements where an act can be said to be a crime, these elements are:

1. There is an action that causes harm (Harm)
2. The existing losses are regulated in the Criminal Code
3. There must be an action (Criminal Act)
4. There must be evil intent (Criminal Intent = Mens Rea)
5. There is a fusion between evil intentions and evil actions.
6. There must be a mix between losses regulated in the Criminal Code and actions.
7. There must be criminal sanctions that threaten this act.

Stabbing is different from carok culture from Madura because Bacokan itself does not have any rules governing it, for carok there are rules governing procedures and conditions such as both parties in a conflict must be equally prepared and bring their own tools like fighting. Stabbing is carried out according to the perpetrator's own intentions and desires, there are no rules on how to implement it or certain requirements, meaning that when he wants to carry out a stabbing, the perpetrator can do it secretly, or unconsciously, according to the perpetrator's wishes. So it can be concluded that stabbing is an act of crime against a person's body or life using a sharp weapon which is carried out without any rules or method of implementation, therefore stabbing does not have any restrictions when it is carried out. Crimes against the body committed intentionally are divided into 6 (six) types, including:

1. Ordinary assault (article 351 of the Criminal Code).
2. Light maltreatment (article 352 of the Criminal Code).
3. Premeditated assault (article 353 of the Criminal Code)
4. Serious ill-treatment (article 354 of the Criminal Code).
5. Premeditated serious assault (article 355 of the Criminal Code).
6. Crime due to negligence (article 360 of the Criminal Code).

According to culture or terminology, the ancient habits of parents and ancestors in the Tuban Regency area have become a natural thing to do. As the stabbing occurred, it was a

way of defending himself when he felt threatened or his self-esteem had been lowered by someone else [7]. The reason the people of Tuban Regency carry sharp weapons when traveling is because it is influenced by the geographical location of the villages and sub-districts which are located in areas that tend to be located close to forest areas and beaches, so that sharp weapons themselves are the only tool for self-defense if at any time received threats from both people and wild animals.

Law enforcement, in this case, stabbings that occur in Tuban Regency, on average, are handled by the police very easily because almost 90% of the perpetrators in Tuban always surrender themselves to the nearest police station after committing the crime, the reason is because the perpetrator has the spirit of a knight, the perpetrator is not a recidivist, the perpetrator carrying out the stab just because of a moment's emotion, and his revenge was realized. And for the criminal elements that indicate the stabbing occurred, the first is causing the death of a person (Main Element), carrying out abuse that results in the death of a person or committing direct murder, these elements can be seen in Article 338, Article 340 and Article 351 paragraph 3 of the Criminal Code.

So by applying the article imposed by the police, the police will dig or look deeper into the intentions that emerged from the perpetrator who committed murder or abuse, namely in terms of when the intention was there, whether it was planned or not, if indeed the perpetrator had planned his intentions. Before committing murder, this means that the police will apply Article 340 of the Criminal Code (Premeditated Murder), if the murder occurs spontaneously or with momentary emotion using a sharp weapon aimed at a vital organ such as the neck, or a place that immediately results in death, then the police will apply Article 338 of the Criminal Code (Murder) [8]. However, if you carry out this act spontaneously and do it blindly in all directions of the victim's body, not just towards the victim's vital organs, the perpetrator only has the intention of committing abuse but still causes the victim to die from loss of blood or something else.

The consideration for sentencing in this stabbing case is to consider mitigating and aggravating factors in a case. An aggravating thing is, for example, that the act was carried out by a recidivist, which resulted in someone dying/seriously injured. Mitigating factors include that the defendant's actions were committed only once, there has been an apology to the victim/victim's family, the defendant made a mistake in providing compensation to the victim/victim's family, or considering that the young defendant still has a long future.

In accordance with the flow of law enforcement handling of criminal cases in the case of stabbings after a stabbing occurs in an area, usually the police will receive reports from the public and immediately go to the location to carry out an investigation. Then, after carrying out an investigation, the police will carry out an investigation and prepare an Investigation Report (BAP), collect evidence, and summon the perpetrator and witnesses at the scene of the incident. After that, the police made arrests and detention. After the SPDP letter is made, the letter is made within a period of 7 days after the investigation or incident which is then sent to the prosecutor's office to be appointed as a research prosecutor, then stage 1 is carried out (submission of files from the police to the prosecutor's office for research). If it is felt that the police have detained the suspect for 20 days but there is a lack of evidence from the files from the police and prosecutor's office, then the investigation by the police will continue by requesting a letter requesting an extension of the suspect's detention to the prosecutor's office. If, then, after the file has been corrected and received by the prosecutor, it will be examined again whether or not it is in accordance with procedures P18, P19, or P21 or the file is declared complete [9]. Then we enter stage 2 (delegation of authority over evidence and suspects from the police to the prosecutor's office) to continue with the prosecution and trial process by the prosecutor's office and the court, during which the suspect will be placed in class 1b prison in Tuban, while waiting for the decision (incraht) which then execution will be carried out. However, if legal action is taken, it does not rule out the possibility that the process will be carried out again so that the case is not finalized.:

1. Obstacles in Law Enforcement of Stabbing Crimes in Tuban Regency

According to Soerjono Soekanto, conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationship between values that are described in stable and embodied rules and attitudes of action as a summary of the final stage of value translation, to create, maintain and maintain peaceful social life [10]. Law Enforcement as a process which is essentially discretionary involves making decisions which are not strictly regulated by legal rules, but which have an element of personal judgment and essentially discretion is between law and morals.

In the process of law enforcement itself there will always be problems, where problems in law enforcement in Indonesia are defined as problems arising from the enforcement of legal supremacy in Indonesia which require answers to these problems, not only are they phenomena that exist on the surface, but have penetrates the very marrow of the legal system

itself. Law enforcement in Indonesia is often not in line with what is desired, giving rise to public distrust of existing law enforcement in Indonesia. Therefore, the level of public trust in law enforcement is greatly influenced by the circumstances or situation of a region.

Judging from Soerjono Soekanto's view, obstacles to law enforcement are influenced by 5 factors, namely Legal Factors, Law Enforcement Factors, Means or Facilities Factors, Community Factors, and Cultural Factors. This will serve as a guideline in assessing the obstacles to law enforcement in relation to stabbing crimes that occurred in Tuban Regency, as follows:

a. Legal Factors

The legal obstacles mentioned above in relation to the crime of stabbing in Tuban district itself exist because basically the regulations governing the misuse of sharp weapons already exist, namely Emergency Law No. 12 of 1951, but these regulations seem to be inappropriate when implemented. with Tuban Regency but even so, other Criminal Code or Pemidaan regulations can still be used.

This is due to several reasons, such as the regulations regarding the use or buying and selling of sharp weapons in Tuban Regency are not implemented properly or cannot be used forever, because again it is based on the influence of the geographical location of Tuban Regency, most of its territory is in rural areas which tend to be located close to forest area, so that sharp weapons are the only means of self-defense if at any time they are threatened by either people or wild animals [11]. Therefore, the people of Tuban Regency are accustomed to buying, owning and carrying sharp weapons wherever they go when traveling

In Tuban Regency, in the end, law enforcers could only apply articles from the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP) regarding abuse, beatings or murder without the subsidiary article on misuse of sharp weapons, for which criminal penalties were imposed. For the people of Tuban Regency, this is not considered a deterrent. So that in the end it will become an example for other people, descendants or the person concerned is likely to do the same thing again.

b. Law Enforcement Factors

The next constraint factor in law enforcement practice is related to obstacles originating from law enforcers themselves, where a law enforcer must also know the social strata or social strata that exist in an environment along with the order of social status in existing positions and roles. Every social stratum must have its basics, such as the social

institutions that exist, and are highly valued by the largest part of the existing community members.

Through the narratives conveyed by Aipda Indro Budi Tariyono as a member of the Tuban Police Mobile Investigation (Resmob), when interviewed, he explained that in handling the Stabbing case. The Tuban Regency Police experienced several obstacles in resolving the case, such as the difficulty of finding people to be witnesses and willing to be questioned regarding the occurrence of criminal acts, as well as the difficulty of conveying to the people of Tuban Regency that they were aware or literate about the law. This is because it concerns a habit that arises from the people of Tuban Regency, so good cooperation is needed between every element of society.

The next factor originating from law enforcement itself is the limited number of police officers who handle or enforce the law in the community, what is meant here is that the number of police and police officers in Tuban Regency who act as law enforcers is considered to be still insufficient [12]. This causes the police response to crimes that occur to be inadequate. The limited number of members is felt when carrying out security and social security patrols and outreach to remote villages in sub-districts in the Tuban Regency area, so that in the end the outreach program and law enforcement are uneven.

c. Facilities or Facility Factors

Obstacles in law enforcement caused by facility factors in relation to handling stabbing crimes in Tuban Regency are also one of the obstacles that require attention. One example of an element of means or facilities in law enforcement is the educational element. What is meant by the educational element here is that the education received by the police tends to be on conventional practical matters, so that in many cases the police experience obstacles in their goals, including knowledge of handling crimes using computers, and the police's lack of capacity in handling special crimes which are still given authority to prosecutors, this is because legally the police are considered incapable and not ready to handle these cases themselves.

The obstacles seen in the means and facilities of law enforcement in Tuban Regency can also be seen from the ability of investigators at the police station which is still very limited, and tends to be less professional, which means they cannot differentiate between the application of the most serious or light criminal offenses, so it would be better The focus is on handling these cases to the police with the aim of reducing or preventing the number of errors or mistakes. So, in conclusion, the obstacles to law enforcement due to facilities or

facility factors in handling stab crimes in Tuban Regency are the lack of development and breadth of knowledge of law enforcers regarding handling new cases, and the lack of infrastructure for law enforcement mobility.

d. Community Factors

Constraints from law enforcement itself, according to the reality of what happened in Tuban Regency, the fundamental reason for the large number of stabbing cases is the human resource factor, where almost most of the people in Tuban Regency have a very high level of temperament, inadequate human resources are caused by a low level of education. Most of the money owned by the perpetrators of the stabbing crime is quite low [13]. Based on interviews with several people in Tuban Regency itself, the author concludes that the people of Tuban Regency actually know or are aware of the enactment of the law, but most of the people of Tuban Regency do not really understand the law itself.

The people of Tuban Regency even have the idea that the quickest solution to problems and can channel their grudges and emotions is by stabbing them. There are several reasons they choose this path, namely because they consider the law enforcement process by law enforcers to be very long and complicated, the emergence of emotions is momentary. , because of a big grudge, and many others. This thinking arises because the perpetrators do not have careful consideration in doing something, and the perpetrators lack knowledge regarding more formal ways of resolving conflicts or according to legislation.

This problem is caused by the perpetrators' lack of education or even no education at all, the highest level of education that the perpetrators of the stab crime had, based on data and interviews by the Tuban Resort Police, was only high school (high school).

e. Cultural Factors

Culture itself can influence law enforcement, especially if that culture has its own methods for handling cases of violations or other disgraceful acts that occur in society. In this case, even law enforcement based on positive law must first be put aside and prioritize a cultural approach.

The cultural factor that is the cause of obstacles in law enforcement in Tuban Regency, in relation to the stabbing case, is that the average person in Tuban Regency has the habit of

traveling anywhere and often carrying sharp weapons, such as in a sub-district in Tuban Regency, namely Kerek Sub-district, which It's like there is a tradition where when solving self-esteem problems it is always solved using a stab without mercy and also doing it anywhere at any time [14]. And based on the statement from Aipda Indro Budi Tariyono as a member of the Tuban Police Mobile Investigation (Resmob), when interviewed by the author on Wednesday, April 12 2023, he explained that every year the Kerek sub-district is registered there are always stabbings.

It is common knowledge that Tuban Regency is famous for its tradition of carrying out an activity of injuring people using a sharp weapon or what is usually called a stab. This stems from the ancient habits of parents and ancestors in the Tuban Regency area, especially Kerek District, who made it normal to do this stabbing as a way of solving problems to defend themselves when they felt threatened or their self-esteem was lowered by other people, but there are also those who do it [15]. The stabbing was a place for revenge because of the conflict that occurred. So it cannot be denied that the cultural or traditional obstacles or habits of committing stabbings that the people of Tuban Regency have, are one of the obstacles for law enforcement in carrying out law enforcement as well as controlling and stopping the occurrence of these stabbings.

3.Efforts to Obstacles in Law Enforcement of Stabbing Crimes in the Community in Tuban Regency

Efforts to deal with crime consist of two methods, namely preventive and repressive. Countermeasures with repressive measures are intended to take action against the perpetrators of crimes according to their actions and correct them so that they are aware that the actions they have committed are unlawful and detrimental to society, so that they will not repeat them and other people will not do them either, considering that the sanctions they will bear are very heavy [16]. Repressive efforts in implementation are also carried out using treatment and punishment methods..

a. Repressive Efforts

In the opinion of Aiptu Adhi Triwono, S.H was wrong as the Head of the Criminal Investigation Unit of the Kerek Police regarding the efforts made to overcome the crime of stabbing, namely, what was carried out by the police in an effort to repressive treatment was to carry out arrests and examinations with the aim of making the perpetrator aware that his actions were disturbing the peace. Furthermore, after the treatment is unavoidable, further

action is taken, namely carrying out punishment which is carried out in accordance with the laws in criminal law.

Punishment efforts must be carried out in accordance with applicable procedures, namely starting with an investigation and collecting files by the police, then being handed over to the prosecutor's office, and forwarded to the court for a trial to hand down a criminal decision, and ending with the implementation of the decision in a correctional institution [17]. The frequent occurrence of criminal acts of misuse of sharp weapons or stabbing crimes in Tuban Regency has further worsened the situation where initially people living safely had to face vulnerable conditions. Therefore, the police are required to work hard and pay serious attention to criminal acts of misuse of sharp weapons among the public.

b. Preventive Efforts

Preventive efforts themselves are an effort made to overcome crime which is carried out to prevent the occurrence or emergence of crime for the first time. Preventing crime is better than trying to provide education to criminals to become better again or what is called providing rehabilitation. In relation to the implementation of preventive efforts to address obstacles to law enforcement of stabbing crimes in Tuban Regency, these include:

1. Conduct outreach or counseling

The Criminal Investigation Unit and the Bhabinkamtibmas Unit from the Police together with all the Sector Police in Tuban Regency also collaborate with the TNI and the Prosecutor's Office in an effort to suppress the occurrence of stabbings, namely by carrying out socialization or education to the community evenly about what the law is and how to prevent violations of the law and the impacts and the dangers posed by the misuse of sharp weapons.

The aim of this outreach to the community is so that people understand the law and obey the law regarding the crime of stabbings which is rife there, because this case is not a light case or what this means is that this case carries a penalty of 15 years because it results in someone's death. So the police provide understanding to the public that these acts of stabbing crimes are just momentary emotions.

2. Mapping the Area

Carrying out Area Mapping is a special monitoring process for handling the crime of Stabbing to determine a picture of vulnerable locations that will be targeted by the Police for carrying out security and monitoring the existence of these criminal acts, this is done so that the Tuban Resort Police (Polres) can more easily carry out monitoring of the area prone to

stabbing crimes. So far, the Bhabinkamtibmas Unit has also collaborated with the Criminal Investigation Unit and has carried out patrols in Tuban Police jurisdictional areas which are vulnerable areas, for example, vulnerable areas are the Kerek Police Station or Kerek District.

3. Providing a Forum for Deliberation

Law enforcement authorities in Tuban Regency provide weekly programs for the community as a form of approach by visiting community gathering places such as patrol posts, tourist attractions, or holding events at community meetings to provide a forum for deliberation to exchange experiences or provide information related to solving problems that occur. .

The combination of preventive and repressive efforts carried out by law enforcement has provided unsatisfactory results in reducing the crime rate in the Tuban Regency area. This goes back to the various factors that cause stabbing, especially social or community problems. Cooperation from various parties such as improving education, alleviating poverty and others also needs to be considered so that there is a balance between the roles of agencies in Tuban Regency as an effort to suppress the Bacokan conflict.

IV. CONCLUSION

The crime of stabbing has been committed by the people of Tuban Regency for a long time and has become a habit, including a criminal act which is carried out by someone with the aim of hurting or abusing another person spontaneously and temporarily using a sharp weapon due to a grudge or problem. Otherwise, it results in other people being injured or even dying.

Many of the factors behind the stabbing crime are self-esteem issues, debt and receivable issues, infidelity, misunderstandings, inheritance struggles and many other factors. The law enforcement handling of the crime of stabbing in Tuban Regency from the past until now has been quite easy because almost 90% of the perpetrators always surrender themselves to the police after carrying out this act, because the perpetrator has given vent to his emotions and revenge and the perpetrator considers himself a knight by surrendering himself. to the Police.

The law enforcement handling of the crime of stabbing in Tuban Regency from the past until now has been quite easy because almost 90% of the perpetrators always surrender themselves to the police after carrying out this act, because the perpetrator has given vent to his emotions and revenge and the perpetrator considers himself a knight by surrendering himself. to the Police.

Law enforcers in handling stab crime cases themselves always analyze the perpetrator's intentions before applying the article that will be imposed or charged against the perpetrator. So far, law enforcers in relation to enforcing the slash crime law refer to Article 351 of the Criminal Code paragraphs 1 to 5 and to Article 338 of the Criminal Code. In imposing this article, law enforcers' considerations, apart from the intention of the perpetrator, can also be seen from the wound caused by the crime of stabbing whether it was directed at a vital part of the victim's body or not and how it was carried out blindly or not.

Obstacles in enforcing the law on stabbing crimes in Tuban Regency include, for example, stabbing which has become a tradition or problem-solving habit among the people of Tuban Regency, the lack of witnesses in the process of enforcing the slashing law, the lack of legal awareness in the community, regulations explaining the misuse of sharp weapons or stabbings themselves. lack of clarity and firmness, lack of law enforcement members and many others..

In dealing with these obstacles, the efforts chosen to resolve the crime of stabbing by law enforcers in Tuban Regency are in the form of preventive and repressive efforts. These preventive efforts are in the form of conducting outreach or counseling to the community in villages, carrying out Area Mapping or mapping vulnerable areas, as well as providing a forum for deliberation. regarding the stabbing case that occurred.

Meanwhile, repressive efforts have been made, namely by arresting the perpetrator of the stabbing, which will then be processed according to the positive criminal law that applies in Indonesia, but efforts that have not yet been made, namely cooperation from various parties, such as improving education, alleviating poverty and others, also need to be considered so that there is a balance between the roles of agencies in Tuban Regency as an effort to suppress the Stabbing Crime conflict.

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