

## CHAPTER I INTRODUCTION

The State of Indonesia was formed based on the 1945 Constitution of the Republic of Indonesia, the basis of this state expressly implies that if the State of Indonesia adheres to the law (*Rechtstaat*) it is not limited to mere power (*Machtstaat*). This is also clarified in Article 27 paragraph (1) of the 1945 Constitution which describes if all citizens have an equal position before the law and government and are obliged to uphold the law and government without exception.<sup>1</sup>

A government and a state that upholds law and human rights has been the ideal of the nation since before independence. Apart from that, all Indonesian citizens also want conditions for the nation's life that is orderly, safe, peaceful and peaceful as Pancasila and the Constitution of the Republic of Indonesia, 1945. In order to realize these goals and ideals, all citizens are obliged to implement and enforce the law without exception.<sup>2</sup>

The implementation of criminal law in society is not as easy as the theory described because there are various complicated problems that exist in society, especially the problem of criminal acts which are increasingly diverse and developing in line with changes in society towards the modern era. The growth and increase in the crime problem has elicited a response from the public who think that if law enforcement officials are incompetent in handling crime problems and are considered slow in carrying out their duties, this also contributes to a sense of dissatisfaction in society towards law enforcement that is not working properly. These various responses are the result of the long length of the justice system which lacks education where it is not uncommon for law enforcement officials to release criminals on the pretext of a lack of evidence and even if they go to court, the law imposed is not in accordance with the expectations of society. This assumption causes the majority of people to feel disturbed by their security and peace so that they carry out

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<sup>1</sup>Law of the Republic of Indonesia of 1945

<sup>2</sup>*Ibid*

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their own judgment on the perpetrators of crimes by not complying with the applicable legal process.<sup>3</sup>

Self-judgment of perpetrators of criminal acts is an inappropriate step and violates human rights which will contribute negatively to the law enforcement process.<sup>4</sup> Society forgets or does not understand that it is not only themselves who have human rights but also the perpetrators of criminal acts in the form of rights to obtain legal protection in court. The suffering felt by the perpetrators of criminal acts must still be considered because after all they are also part of humanity.

The act of vigilantism that has arisen in society recently has been widely reported on television and in the print media, because it cannot be denied that this action has become a mega trend in many areas. Various similar cases, not a few were processed legally according to the applicable provisions, but many were simply released because the evidence was not strong enough. The condition of the majority of society is very emotional in dealing directly with perpetrators of criminal cases, especially among people with middle to lower economic backgrounds, as well as the lack of knowledge about law also contributes to the spark of anger within the community which causes it to prefer to carry out self-punishment of perpetrators of crimes because it is considered more effective.<sup>5</sup>

Law enforcement in this vigilante case must be handled seriously in order to prevent it from becoming a culture in society that can tarnish the life of the nation and state. If people in a country tend to apply the law of the jungle compared to normative law which is formally legal, it will have an impact on citizens who tend to obey various groups or individuals who have physical strength, for example certain groups with strong masses or a number of thuggery groups which proves that a number of groups within many people are gathering physical strength for preventive

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<sup>3</sup>Saiin, A., and Iffan, A. 2018. Phenomenon of vigilante acts in state law and Islamic law. *Perada Journal* 1(2), p. 144.

<sup>4</sup> Adhi Wibowo, *Legal Protection for Victims of Mob Rampage: A Review of Victimology*. (Padang: Thafa Media, 2013), page 14.

<sup>5</sup> Fuadi. 2018. *Sociological Juridical Views of the Phenomenon of Street Justice in Community Life*. *Novelty Law Journal* 9(1), p. 20

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efforts in solving various problems instead of choosing the legal route which is considered less effective.

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