

## The Relationship between Structural Poverty, Gangsterism, and Criminal Law Policy\*

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### Abstract

This study examines the complex relationship between structural poverty, the phenomenon of gangsterism, and the response of criminal law policy. Starting from the assumption that gangsterism is not a single symptom but rather a manifestation of social injustice, this study aims to analyse the roots of structural poverty that give rise to gangsterism, evaluate the effectiveness and fairness of criminal law policies that tend to be repressive, and offer alternative approaches that are more integrative and socially just. Using normative legal methodology with a sociological and critical approach, and supported by primary and secondary legal data, case studies, and qualitative analysis, this study finds that current criminal law policies tend to criminalise poverty without touching on the root of the problem. Initial conclusions indicate the urgency of reformulating criminal policies more responsive to the socio-economic context and oriented towards restorative justice and community empowerment.

**Keywords:** Structural Poverty; Gangsterism; Criminal Law; Social Justice; Criminalization

### Abstrak

Penelitian ini mengkaji relasi kompleks antara kemiskinan struktural, fenomena premanisme, dan respons kebijakan hukum pidana. Berangkat dari asumsi bahwa premanisme bukanlah gejala tunggal melainkan manifestasi dari ketidakadilan sosial, penelitian ini bertujuan untuk menganalisis akar kemiskinan struktural yang melahirkan premanisme, mengevaluasi efektivitas dan keadilan kebijakan hukum pidana yang cenderung represif, serta menawarkan alternatif pendekatan yang lebih integratif dan berkeadilan sosial. Dengan menggunakan metodologi yuridis normatif dengan pendekatan sosiologis dan kritis, serta didukung oleh data bahan hukum primer dan sekunder, studi kasus, dan analisis kualitatif, penelitian ini menemukan bahwa kebijakan hukum pidana saat ini cenderung mengkriminalisasi kemiskinan tanpa menyentuh akar masalah. Kesimpulan awal menunjukkan urgensi reformulasi kebijakan pidana yang lebih responsif terhadap konteks sosial-ekonomi dan berorientasi pada keadilan restoratif serta pemberdayaan masyarakat.

**Kata Kunci:** Kemiskinan Struktural; Premanisme; Hukum Pidana; Keadilan Sosial; Kriminalisasi

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## A. INTRODUCTION

Long a subject of discussion in Indonesian society, the phenomenon of gangsterism is sometimes seen narrowly as a kind of pure criminality that has to be managed by a strong and punitive judicial approach. This perspective, however, oversimplifies reality and favours ignoring challenging sociological aspects, including poverty, social injustice, and limited resources. Another social reaction to unfair structural constraints and social isolation suffered by underprivileged groups is gangsterism.

Gangsterism as a social phenomenon found in underprivileged and impoverished surroundings demonstrates a close association with long-lasting structural poverty on a system level. In this sense, poverty encompasses the incapacity to satisfy fundamental economic requirements and limited access to education, healthcare, good employment, and social and political participation. People or groups excluded from these accesses often seek survival through unofficial routes, like gangsterism. Gangsterism usually becomes a sort of social adaptation "forced" to be adopted amid environmental settings typified by inequality, symbolic violence, and limited social safety. It serves as a survival tactic among the institutional inequities and restrictions they always deal with.<sup>4</sup>

Conversely, how the state responds to the phenomenon of thuggery via criminal law shows a repressive, elitist attitude focused on immediate action without considering the structural causes of the issue. This approach gives more focus on raids, enforcement, and prosecution, which runs the danger of supporting the negative stereotype toward the underprivileged populations. These disadvantaged populations are more readily criminalised and suffer unfair treatment before the law, which finally helps to aggravate the cycle of poverty, social marginalisation, and structural inequality. Thus, it is crucial to investigate the link between structural poverty and thuggery in detail and the requirement of a fair, contextual, criminal law policy supporting social justice.<sup>5</sup>

This study intends to holistically investigate the relationship between structural poverty and the practice of gangsterism as a social symptom derived in systematic inequality. Gang gangsterism is a result of the failure of the social and economic system in giving equitable access to resources and adequate living possibilities, not only as a kind of personal criminal activity. This paper attempts to demonstrate in this framework how poverty, unemployment, and economic marginalisation generate environment for the emergence of gangsterism as a survival tactic.<sup>6</sup>

This paper also intends to examine the criminal law rules followed about thuggery. Often resulting in bias against lower-class people, who are victims of an unfair socioeconomic system, oppressive policies, including raids and arrests, tend to be this

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<sup>4</sup> Sudarto, *Kapita Selektta Hukum Pidana* (Bandung: Alumni, 1986).

<sup>5</sup> Douglas Hay, et al., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Penguin, 1975).

<sup>6</sup> Suryono, A., & Kurniawan, T. (2021). Politik hukum pidana dalam penanggulangan premanisme di wilayah urban. *Jurnal Hukum dan Pembangunan*, 51(2), 287–304. <https://doi.org/10.21143/jhp.vol51.no2.2935>

study intends to show the degree to which the criminal law system helps to either strengthen or undermine structural injustice by analysing the current legal framework.<sup>7</sup>

This study aims to present a contextual, fair, and restorative alternative to criminal legislation. This strategy is supposed to touch the core of the issue through economic empowerment, social rehabilitation, and community involvement in the process of social reintegration of offenders. Therefore, criminal law policy becomes a tool for sustained and punitive social change.<sup>8</sup>

Premanism, an intricate social phenomenon in Indonesia, reflects systemic societal inequality. Preman are more than just violent offenders in public areas; they are a reflection of underprivileged social and economic groups. Therefore, this study is critical because it emphasizes the need to understand premanism more holistically, viewing it not just as a criminal issue but also as a consequence of systemic and enduring structural poverty.<sup>9</sup> Thus, criminal law policy usually stresses repressive features like mass arrests and raids. Unfortunately, this strategy usually does not address the core social issues behind thuggery and instead generates new injustices, especially for the lower classes, who are the targets of legal action. In this regard, the relevant criminal law system has not been entirely able to meet the demands of substantive justice and usually reinforces current structural prejudices.<sup>10</sup>

The pressing need to create a more inclusive and transforming strategy for criminal law also supports this research's significance. A more efficient and long-lasting solution could involve restorative practices such as mediation, social rehabilitation, and economic empowerment for offenders and the communities affected. Consequently, this study is crucial to create a legislative framework that not only penalises but also empowers and reconstructs social interactions compromised by structural inequality and criminalisation of poverty.<sup>11</sup>

Combining three key dimensions—structural poverty, gangsterism, and criminal law policy—this study brings freshness to studying criminal law and criminal sociology. Studies on gangsterism have primarily focused on specific sectors, either highlighting aspects of repressive law enforcement or analysing criminal activity from the perspective of individual offenders. This paper offers an interdisciplinary approach that investigates the close relationship between establishing gangsterism practices as a method of survival

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<sup>7</sup> Harahap, D. A. (2020). Problematika penanganan premanisme dalam sistem hukum pidana Indonesia. *Jurnal Kriminologi Indonesia*, 16(1), 45–60. <https://doi.org/10.20473/jki.v16i1.2020.45-60>

<sup>8</sup> Siregar, H. (2021). Pendekatan restoratif dalam penanggulangan premanisme: Perspektif keadilan sosial. *Jurnal Hukum Ius Quia Iustum*, 27(3), 456–472. <https://doi.org/10.20885/iustum.vol27.iss3.art5>

<sup>9</sup> Suryono, A., & Kurniawan, T. (2021). Politik hukum pidana dalam penanggulangan premanisme di wilayah urban. *Jurnal Hukum dan Pembangunan*, 51(2), 287–304. <https://doi.org/10.21143/jhp.vol51.no2.2935>

<sup>10</sup> Harahap, A. (2020). Tantangan hukum dalam penanggulangan premanisme sebagai kejahatan sosial. *Jurnal Kriminologi Indonesia*, 17(1), 45–58.

<sup>11</sup> Siregar, H. (2021). Pendekatan restoratif dalam penanggulangan premanisme: Perspektif keadilan sosial. *Jurnal Hukum Ius Quia Iustum*, 27(3), 456–472. <https://doi.org/10.20885/iustum.vol27.iss3.art5>

with the fundamental economic constraints of society, such as unemployment, limited access to decent labour, and social marginalisation.<sup>12</sup>

This work is original in criticising criminal law politics, which typically favours the lower class. This paper emphasises how the law subtly supports social inequality by analysing the tendency of the criminal law to treat offenders of thuggery as criminals without recognising their sociological underpinnings. This method stands out because it differs from earlier research that primarily focuses on the efficacy of criminal penalties while neglecting elements of substantive justice.<sup>13</sup>

This study prioritizes solutions based on empowerment and social rehabilitation and presents the need to incorporate a restorative approach to criminal law policies for underprivileged populations. Therefore, this work's original contribution consists of mapping the relationship between poverty and gangsterism and developing a fairer, contextual, and transforming model of criminal law policy.<sup>14</sup>

From the background above, researchers can focus their research on several questions: What is the relationship between structural poverty and thuggery? How does criminal law policy respond to the phenomenon of thuggery in the context of poverty? Does the policy reflect social justice?

## B. METHODS

This study employs a qualitative methodology with a legal and literary perspective. Because this study aims to understand complex social issues, like how structural poverty, gangsterism, and criminal law policies interact, which can't be measured with numbers, the researchers chose a qualitative approach. This method lets researchers investigate in great detail the legal, social, and normative elements connected to the framework of the phenomenon.

The primary focus of this research is the literature approach, where information is collected through studying documents and reviewing literature from various relevant sources, such as books, scientific articles, research reports, laws, and related policy documents. This method allows researchers to access and analyse published theoretical and empirical data, helping them understand the background of structural poverty as a cause of the thuggery problem and evaluate the criminal laws applied in addressing thuggery. In addition, a legal approach is used to examine the norms and regulations governing the handling of thuggery in the Indonesian criminal law system. This legal analysis is essential to investigate how criminal law policies are constructed,

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<sup>12</sup> Suryono, A., & Kurniawan, T. (2021). Politik hukum pidana dalam penanggulangan premanisme di wilayah urban. *Jurnal Hukum dan Pembangunan*, 51(2), 287–304. <https://doi.org/10.21143/jhp.vol51.no2.2935>

<sup>13</sup> Harahap, A. (2020). Tantangan hukum dalam penanggulangan premanisme sebagai kejahatan sosial. *Jurnal Kriminologi Indonesia*, 17(1), 45–58.

<sup>14</sup> Siregar, H. (2021). Pendekatan restoratif dalam penanggulangan premanisme: Perspektif keadilan sosial. *Jurnal Hukum Ius Quia Iustum*, 27(3), 456–472. <https://doi.org/10.20885/iustum.vol27.iss3.art5>

implemented, and whether these policies reflect the principles of social justice or still contain bias against certain groups in society, especially the poor and marginalised. With a legal approach, researchers can assess criminal law policies' legality, effectiveness, and suitability to existing social realities.

Qualitative methods with a literature and legal approach allow this study to explore and comprehensively understand the relationship between structural poverty and gangsterism and its implications in criminal law policy. This method allows researchers to critically interpret data obtained from various sources to produce richer and more contextual conclusions. This approach also supports policy recommendations that are not only normative but also realistic and applicable in efforts to overcome gangsterism rooted in socio-economic injustice.

## C. RESULTS AND DISCUSSION

### 1. Terminology of Structural Poverty and Thuggery

Structural poverty reflects the inability of people or groups to obtain basic resources, including education, health services, decent work, and appropriate housing; therefore, it transcends simple material deprivation or low income. However, this disorder does not exist naturally; unfair social, economic, and political systems, including unequal income distribution, systematic discrimination, corrupt bureaucracy, and the absence of public policies favouring the impoverished, shape this situation. These circumstances perpetuate poverty from one generation to the next. It isn't easy to break; therefore, it fosters a cycle of marginalisation that persists without reasonable and thorough state structural action.<sup>15</sup>

Low levels of education that restrict their capacity to compete in the labor market, limited access to appropriate health services that worsen the quality of life, and the lack of stable, safe, and quality jobs that can provide sufficient income for a decent life clearly show the features of structural poverty in many spheres of the life of poor people. Furthermore, aggravating the complexity of this issue is prejudice in several spheres, including those of ethnicity, gender, or social level. According to the theory of social inequality and marginalisation, some people are methodically deprived of access to development resources, resulting in areas of persistent poverty that recur throughout generations without any substantial structural remedies.

On the dynamics of social conduct in society, structural poverty has long-term effects that are rather complicated and noteworthy. Living in constant economic restrictions, limited access to education, health, or acceptable employment possibilities can cause significant irritation, despair, and mistrust of the social system among individuals or groups. Under such circumstances, many believe their only option is to discover short ways to survive. Some people find themselves involved in illicit behaviours as theft, extortion, or gangsterism, which are not motivated by criminal

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<sup>15</sup> Johan Galtung, "Structural Violence," *Journal of Peace Research* 8, no. 3-4 (1969): 167-191.

intent but rather by an unfair social system that does not allow them space to grow naturally and with dignity.

Outside the official legal framework, thuggery is the practice of methodical use of physical violence or threats of violence to control public space or obtain personal benefit. Thuggery has developed into more complicated and covert techniques than merely street crime. Classic forms of thuggery include providing unlawful security services that extort traders or small businessmen and extortion in public locations, including conventional markets, terminals, and parking lots. More contemporary forms of thuggery have evolved in development; examples include the involvement of people from community organisations (ormas) in illegally securing development projects, debt collection methods accompanied by intimidation, or the control of community land by particular groups without a legitimate legal basis.<sup>16</sup>

Gangsterism's inception and continuation in Indonesia have complicated and varied causes involving simultaneous political, social, and economic interactions. From a financial standpoint, widespread poverty, high unemployment rates, and restricted access for the impoverished to respectable formal employment inspire some people to take informal paths, including gangsterism, as a survival mechanism. Socially, inadequate social supervision from the surroundings, an internalised culture of violence, and links of group solidarity help to define gangsterism. Politically, the presence of "backing" from public officials and police enforcement agents who employ gangsters as a tool of authority aggravates this phenomenon. Businessmen or politicians often utilise gangs to threaten rivals, guarantee projects, or keep control of specific sectors, generating complicated and challenging-to-understand informal power ties.<sup>17</sup>

## 2. Criminal Law Policy Theory

Within this study, the theory of criminal law policy turns into a significant and pertinent conceptual foundation. This idea helps one to grasp how the state methodically gathers, develops, and applies criminal legislation as a tool of social control. Barda Nawawi Arief claims that criminal law policy consists of three main stages: the formulation stage (formulation of criminal law norms), the application stage (law enforcement process by law enforcement officers), and the execution stage (implementation of criminal decisions by correctional institutions). Apart from aiming at the objective of conquering crime, these three phases should also consider the ideals of social justice, defence of human rights, and the interests of the larger society, particularly concerning underprivileged groups like the impoverished.<sup>18</sup>

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<sup>16</sup> Prakoso, A., & Nurdin, M. (2021). Politik hukum keamanan dalam perspektif pembangunan berkelanjutan. *Jurnal Legislasi Indonesia*, 18(3), 231–245. <https://doi.org/10.54629/jli.v18i3.2021>

<sup>17</sup> Suryono, A., & Kurniawan, T. (2021). Politik hukum pidana dalam penanggulangan premanisme di wilayah urban. *Jurnal Hukum dan Pembangunan*, 51(2), 287–304. <https://doi.org/10.21143/jhp.vol51.no2.2935>

<sup>18</sup> Arief, B. N. (2010). Bunga rampai kebijakan hukum pidana: Perkembangan penyusunan konsep KUHP baru. Kencana.

In the framework of poverty and thuggery, criminal law in Indonesia is sometimes caught in a repressive attitude that just focuses on enforcement without touching on the roots of the socio-economic issues underneath. Thuggery is seen only as a personal crime or pure criminality; hence, the state's reaction is more directed toward criminalisation and law enforcement activities. This strategy overlooks more complicated structural elements, such as social marginalisation, systematic poverty, chronic unemployment, and a lack of access to healthcare and education. Handling thuggery thus becomes unsustainable and usually helps reinforce the stereotype against underprivileged people. This approach runs the danger of aggravating social inequality and increasing the psychological and financial load on disadvantaged people.<sup>19</sup>

From a critical criminology standpoint, it is clear that Indonesian criminal law policy still exhibits rather extreme social class prejudice. Lower-class groups' actions—such as extortion, street musicians, or small-time violence—carried out within the framework of impoverished survival tend to be more rapidly criminalised, stigmatised as threats to order, and subject to harsh penalties. Conversely, legal transgressions by privileged groups—such as corruption, misuse of authority, or unlawful property purchase—often get more compassionate treatment, sluggish legal procedures, or even are free from penalties. This disparity in treatment points to a non-neutral judicial system, therefore fostering systemic injustice and accentuating current social inequalities.<sup>20</sup>

Consequently, the theory of criminal law policy should be aimed towards a more just, contextual, and restorative-oriented paradigm. This method mandates that policies emphasise social rehabilitation initiatives, reintegration of former offenders into society, and economic empowerment as a long-term preventive strategy in addition to stressing repressive elements including arrest, punishment, and incarceration. Furthermore, crucial is investigating and tackling the underlying reasons of thuggery, including structural poverty, unemployment, low education, and social marginalisation. Criminal law policy will thus be more inclusive and sensitive to social reality, able to build an efficient, compassionate, and sustainable justice system in society.

### 3. Portrait of Structural Poverty in Indonesia

Over the past two decades, Indonesia has achieved steady and sound economic growth; yet, structural poverty is a fundamental issue that has not been fully and systematically addressed. Structural poverty is a state of natural and systematic unfairness, the major causes of which include substantial economic disparity, unequal development policies between different areas and social groups, and inadequate social safety systems. These elements help sustain poverty from one generation to the next,

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<sup>19</sup> Harahap, D. A. (2020). Problematika penanganan premanisme dalam sistem hukum pidana Indonesia. *Jurnal Kriminologi Indonesia*, 16(1), 45–60. <https://doi.org/10.20473/jki.v16i1.2020.45-60>

<sup>20</sup> Suryono, A., & Kurniawan, T. (2021). Politik hukum pidana dalam penanggulangan premanisme di wilayah urban. *Jurnal Hukum dan Pembangunan*, 51(2), 287–304. <https://doi.org/10.21143/jhp.vol51.no2.2935>

establishing a cycle of poverty that is difficult to overcome without organised and sustainable policy reforms and interventions.<sup>21</sup>

Official statistics from the Central Statistics Agency (BPS) indicate that efforts at poverty reduction will be severely challenged in 2023 since more than 25 million Indonesians will still be living below the poverty line. The Gini Ratio figure, which is constantly in the range of 0.38 to 0.40, clearly shows the central issue of income distribution disparity. This number shows the relatively significant difference between the rich and the poor. The key elements aggravating structural poverty include poor access to quality education, lack of steady and decent employment, and insufficient social security, including health care and social aid. This supports the cycle of poverty that is challenging to break without thorough legislative intervention.<sup>22</sup>

Without enough social and economic infrastructure development, fast urbanisation has resulted in the emergence of ever more extensive poverty pockets in metropolitan regions. Millions of city people face poor salaries daily in the informal economy, highly disguised unemployment, and densely inhabited slum neighbourhoods. These disorders make it impossible for them to satisfy their fundamental requirements and generate great strain on their life. Some impoverished people are therefore motivated to discover means of survival by participating in other deviant activities, such as gangsterism, which is regarded as an alternative economic strategy to satisfy daily requirements and cope with financial uncertainty.<sup>23</sup>

Harsh law enforcement or offering transient social aid cannot solve structural poverty. Good answers must be multidimensional, covering the root of the issue in several spheres. This entails changing educational policy to provide equal access and quality, building employment based on local skill development, and fairly allocating assets and economic possibilities among all spheres of life. In this regard, the phenomenon of thuggery cannot be considered only a criminal conduct but also as a result of systematic failure to offer a sufficient social safety net for underprivileged and vulnerable groups in society.

#### 4. Gangsterism as a Social Symptom

Thuggery is more likely to be seen as a social symptom reflecting the failure of social and economic systems to produce a fair and equitable social order than as a simple individual criminal occurrence. Unequal access to resources, financial possibilities, and unequal power and social protection distribution lead to this phenomenon. Therefore, thuggery is a result of a more underlying systematic issue whereby underprivileged people or groups strive to survive among the restrictions and injustices they encounter

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<sup>21</sup> Maipita, I. (2019). Kemiskinan struktural dan pendekatan kebijakan ekonomi mikro di Indonesia. *Jurnal Ekonomi dan Studi Pembangunan*, 20(1), 1–15. <https://doi.org/10.31289/jesp.v20i1.2794>

<sup>22</sup> Lestari, N. A., & Prasetyo, H. (2021). Analisis ketimpangan dan kemiskinan di Indonesia dalam perspektif pembangunan berkelanjutan. *Jurnal Ekonomi dan Kebijakan Publik*, 12(2), 101–115. <https://doi.org/10.22212/jekp.v12i2.2021.101-115>

<sup>23</sup> Wijayanti, R. (2020). Urbanisasi dan kemiskinan: Studi kasus masyarakat marginal di pinggiran kota. *Jurnal Sosiologi Kota*, 8(1), 45–60. <https://doi.org/10.22146/jsk.2020.45678>



systematically. Thus, managing thuggery requires a thorough awareness of its socioeconomic background.

Within the framework of structural poverty, gangsterism sometimes seems like a survival tactic selected by people who have limited access to respectable employment, sufficient education, and enough social protection. Becoming a gangster is not a very free or intentional decision for many people in such circumstances; rather, it is a kind of adaptation driven by constrained socioeconomic contextual constraints. There is insufficient room in these surroundings for them to engage in lawful and rightful social mobility. Thus, gangsterism becomes one means to make a living and shows the failure of the social and economic system in giving all people equal and fair chances.<sup>24</sup>

Apart from being an illegal activity, gangsterism is sometimes a means of income, safety, and even access to social life for people from underprivileged backgrounds. In this sense, gangsterism serves as an adaptive strategy enabling survival in the face of restricted access to reasonable resources and opportunities. According to sociologists, deviant conduct like gangsterism usually results from the structural pressures these vulnerable groups experience. Despite its legal and social hazards, gangsterism becomes a quite accessible choice when there are no sufficient legal alternatives to satisfy fundamental requirements and defend oneself. This emphasises the need to know gangsterism inside a larger socioeconomic structural context.<sup>25</sup>

Practices include extortion, illicit land purchase, unofficial security services, and debt collecting activities carried out by thugs have formed part of the fast-expanding informal sector in many Indonesian cities. Usually, the lack of clear rules and insufficient law enforcement by authorities causes this phenomenon. These circumstances provide room for these illicit operations to flourish and even acquire a type of social acceptance in the nearby society. This type of unofficial economy ultimately highlights significant problems in urban governance and the legal system's inadequacy, reinforcing the community's dependence on thuggery as a normal aspect of daily life.

Moreover, thuggery is entwined in a complex network of power connections between several informal actors, including thugs, businesspeople, and state officials, not only as a social phenomenon. Some politicians or businesses use thugs as a weapon to stifle rivals in the industry or guarantee development projects under their influence. This relationship generates a system of reciprocal protection that makes criminals informal "guards" in some places, therefore serving particular interests as a security agent. Legal action against thuggery consequently loses efficacy and is sometimes hampered or complicated by the influence and pressure of secret forces behind the scenes, thus supporting structural unfairness in society.<sup>26</sup>

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<sup>24</sup> Siregar, H. (2021). Pendekatan restoratif dalam penanggulangan premanisme: Perspektif keadilan sosial. *Jurnal Hukum Ius Quia Iustum*, 27(3), 456–472. <https://doi.org/10.20885/iustum.vol27.iss3.art5>

<sup>25</sup> Wijayanti, R. (2020). Urbanisasi dan kemiskinan: Studi kasus masyarakat marginal di pinggiran kota. *Jurnal Sosiologi Kota*, 8(1), 45–60. <https://doi.org/10.22146/jsk.2020.45678>

<sup>26</sup> Prakoso, A., & Nurdin, M. (2021). Politik hukum keamanan dalam perspektif pembangunan berkelanjutan. *Jurnal Legislasi Indonesia*, 18(3), 231–245. <https://doi.org/10.54629/jli.v18i3.2021>

Therefore, a coercive strategy by itself will not be sufficient to eliminate thuggery. A criminal law policy is required to distinguish between pure criminal acts and social expressions resulting from structural marginalisation and injustice, and can grasp the foundations of the social problems underpinning the genesis of thuggery. Thus, an all-encompassing approach is required, comprising fair and non-discriminatory law enforcement, supply of pertinent vocational education, social mediation to improve community relations, and economic empowerment of vulnerable populations. Dealing with thuggery as a complicated social phenomenon, this approach is more sustainable and effective.

## 5. Criminal Law Policy Analysis

Indonesian criminal law policy primarily relies on a repressive strategy, emphasising direct action in handling thuggery. Various policies include justice operations, extensive raids, arrests, and criminalising of people accused of being "thugs" in public areas, which reflect this. Although the primary goal of this policy is to uphold public order and security, in its execution, this policy sometimes generates additional issues, including stigmatising poor and underprivileged groups who are often deemed equivalent to thuggery. This strategy reinforces social unfairness and ignores the underlying roots of the thuggery issue itself.<sup>27</sup>

Often ignoring the underlying foundations of the thuggery phenomenon—deep poverty, huge unemployment rates, and broad social inequality—a criminal law approach that simply targets prosecution runs. Since there is no social security, education, or successful reintegration program to help people escape from these circumstances, criminalising without any social empowerment attempts results in a repeating cycle of problems whereby those who have been prosecuted often revert to thuggery practices. Stated differently, a strictly repressive criminal law policy not only does nothing but supports social isolation of underprivileged and vulnerable groups in society.<sup>28</sup>

Furthermore, a fundamental flaw in criminal law policy is the lack of a preventive and rehabilitation strategy. The already used policies usually concentrate on enforcement and punishment, so they seldom allow room for alternative initiatives, including skills education, economic empowerment, or social development that would enable people to break out from the cycle of violence and crime. To handle crimes stemming from socioeconomic issues, restorative and rehabilitative justice systems have been extensively embraced and effectively applied in many nations. This method not

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<sup>27</sup> Marzuki, P. M. (2020). Kriminalisasi dan keadilan sosial dalam kebijakan hukum pidana Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 9(1), 113–128. <https://doi.org/10.33331/rechtsvinding.v9i1.443>

<sup>28</sup> Siregar, H. (2021). Pendekatan restoratif dalam penanggulangan premanisme: Perspektif keadilan sosial. *Jurnal Hukum Ius Quia Iustum*, 27(3), 456–472. <https://doi.org/10.20885/iustum.vol27.iss3.art5>

only addresses the offenders but also helps to restore social relations and stop future recurrence of criminal activities.<sup>29</sup>

Therefore, criminal law measures must be reformulated to be not simply oppressive but also consider the social and financial background of the offenders. A social justice-based approach like that provided in restorative justice theory and critical criminology can be an alternative paradigm for creating more compassionate and successful policies. Thuggery has to be seen as a sign of structural abnormalities, not only as deviant behaviour worthy of punishment.

## 6. Evaluation and Criticism of Criminal Law Policy in Handling Thuggery

An analysis of Indonesian criminal law policy shows that the oppressive method mainly used to address gangsterism has instead generated fresh, considerably more complicated issues. Criminalising behaviours like gangsterism, which are born of poverty and social injustice, reveals how poorly the state recognises and handles the structural fundamental causes of the phenomenon. Policies that give enforcement priority without specific attempts to address social and economic inequalities are essentially unfair, exclusive, and help to marginalise disadvantaged populations. Thus, we require reform of criminal law policies that are more inclusive of social justice.<sup>30</sup>

The disparity in access to justice is one of the principal objections against the Indonesian criminal justice system. People from underprivileged groups in society who face social and financial restrictions are more likely to become targets of quick judicial procedures, heavy punishments, and arrest. On the other hand, powerful or elite organizations that engage in comparable transgressions can usually evade the law's grasp using their political and financial strength. This disorder aggravates class bias in the criminal justice system and increases public mistrust in legal institutions, widening the difference. This injustice fuels social conflict and prevents the real realization of justice.<sup>31</sup>

Gangsterism is a societal phenomenon reflecting more general structural disparities and social problems in society than it may be seen as a stand-alone personal crime. Consequently, criminal law policy has to be changed to be inclusive and grounded on human rights and social justice, as well as punitive. This strategy calls for laws to help underprivileged people become more empowered by providing better access to education, building good employment, and providing suitable basic services.

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<sup>29</sup> Arief, B. N. (2021). Politik hukum pidana dalam penanggulangan kejahatan yang berkeadilan. *Jurnal Hukum dan Pembangunan*, 51(3), 535–552. <https://doi.org/10.21143/jhp.vol51.no3.2021.535-552>

<sup>30</sup> Marzuki, P. M. (2020). Kriminalisasi dan keadilan sosial dalam kebijakan hukum pidana Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 9(1), 113–128. <https://doi.org/10.33331/rechtsvinding.v9i1.443>

<sup>31</sup> Arief, B. N. (2021). Politik hukum pidana dalam penanggulangan kejahatan yang berkeadilan. *Jurnal Hukum dan Pembangunan*, 51(3), 535–552. <https://doi.org/10.21143/jhp.vol51.no3.2021.535-552>

Therefore, the criminal law system can be a valuable instrument to fully and sustainably handle the underlying reasons of gangsterism.<sup>32</sup>

A systemic change in criminal law policy that can understand and address the problem of thuggery from a structural perspective is needed as a long-term remedy. Dealing with thuggery holistically and sustainably calls for a strategy prioritising restorative justice, social discussions, and reintegration programs. Criminal law thus serves as an instrument of social protection, supporting the healing and development of underprivileged community groups rather than only as a repressive tool suppressing them. This type of reform is supposed to provide a fairer and inclusive legal system and provide room for preventive and rehabilitative remedies in tackling the underlying reasons of thuggery.

#### **D. CONCLUSION**

This study shows that structural poverty suffered by some community groups is closely correlated with thuggery. For people with fair and equal economic possibilities but limited means, thuggery becomes a survival tactic. This phenomenon reflects social and economic injustice firmly ingrained in the framework of society, not only criminal behaviour. Therefore, thuggery has to be seen as a complicated social phenomenon that calls for a handling strategy that is not merely repressive but also involves attempts to empower and transform society to provide actual justice.

The current criminal law policy remains fundamentally repressive because it focuses on punishing and criminalising thuggery without considering the underlying causes of poverty. This strategy is usually useless since it ignores the intricacy of the socioeconomic aspects behind the practice of thuggery. It thus helps to further the negative stigma against underprivileged people. Therefore, criminal law policy must be changed towards a more just and contextual approach, considering structural inequality a symptom and thuggery as a crime. A complete solution has to combine initiatives to empower the economy, social protection, and judicial system reform so that tackling thuggery can be more sustainable and represent actual social justice.

#### **Recommendation**

To address the problem of thuggery effectively and fairly, this study recommends:

1. Criminal policies must be reformulated to be responsive to socio-economic factors. Policies must integrate social and economic dimensions in handling gangsterism, for example, by prioritizing restorative, rehabilitation, and economic empowerment approaches for those who are caught.

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<sup>32</sup> Siregar, H. (2021). Pendekatan restoratif dalam penanggulangan premanisme: Perspektif keadilan sosial. *Jurnal Hukum Ius Quia Iustum*, 27(3), 456–472. <https://doi.org/10.20885/iustum.vol27.iss3.art5>

2. An integrative approach is needed between criminal law, social policy, and economic empowerment. Handling thuggery cannot rely solely on criminal law. Synergy is needed between firm but humane law enforcement, with social policy programs (education, health, housing) and economic empowerment (skills training, access to business capital) to address the roots of poverty.
3. The need to increase the role of law as a means of social justice, not a tool of power. Criminal law must be used as an instrument to create equality and justice, not as a tool to oppress or criminalize vulnerable groups. This requires a paradigm shift in the criminal justice system, from purely retributive to more restorative and inclusive.

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