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## The State and Constitutional Responsibility in Ensuring the Security of Citizens from Intimidation by Thuggery

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#### Abstract.

The phenomenon of gangsterism in Indonesia has developed into a form of non-state violence that threatens social order and the sense of security of the community. Gangs are not only detrimental to individuals, but also create an atmosphere of fear and distrust of law enforcement officers. In this context, the state has a constitutional obligation to protect the fundamental rights of citizens, including the right to a sense of security as guaranteed in Article 28G paragraph (1) and Article 30 paragraph (4) of the 1945 Constitution. This study specifically aims to examine the extent to which the state carries out its constitutional responsibilities in ensuring the security of citizens from intimidatory actions by gangster groups. The research method used is qualitative, with literature study techniques and legal-political analysis. Data were obtained through a study of scientific journals, laws and regulations, and government policy documentation related to overcoming gangsterism. The study results show that although there is a relatively strong legal framework in overcoming gangsterism, its implementation still faces serious challenges. Weak law enforcement, the dominance of a repressive approach without structural solutions, and the lack of rights-based social protection cause the practice of gangsterism to continue. Therefore, this study recommends integrating a firm legal approach and inclusive social policies as an effective strategy to realize just citizen security. The state must act actively and reasonably in carrying out its constitutional mandate to ensure a sense of security for all its citizens.

#### Keywords:

Premanisme;  
Constitutional Rights;  
Citizen Security

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## A. INTRODUCTION

The phenomenon of gangsterism in Indonesia has evolved into a quite alarming social problem, especially given its growing intensity and influence on public order and the community's sense of security. Gangsterism is a result of systematic and structural failure in guaranteeing social and economic justice for all levels of society, not only a kind of individual criminality. In this regard, gangsterism becomes a survival tactic for underprivileged populations deprived of access to legal protection, decent work, and education. The leading causes of someone engaging in violent behaviours or unofficial enterprises include unlawful security services, extortion, and forced property acquisition, which are social disparity, extreme poverty, and high unemployment rates.

Gangsterism thrives in places where the state and law enforcement agents are absent, thereby establishing its social structure, whereby unofficial power becomes the control agent of communal life. Gangsters cause fear, undermine the social order, and lower society's general standard of living. Thus, conquering gangsterism calls for a thorough strategy directed towards social justice.<sup>1</sup>

The rise of thugs in Indonesia cannot be divorced from its long and convoluted historical background,

which started in the colonial era and continued into the post-independence period. The Dutch frequently employed local unofficial groups throughout the colonial era to support stability and stifle public opposition. During the Old Order and the New Order, authorities routinely employed thugs as political weapons to subjugate the masses, threaten political rivals, or protect economic interests and strategic enterprises, thus extending this legacy. This symbiotic relationship puts thugs in a conflicting role: on the one hand, they are violent offenders, yet they are part of a system of power that is essentially approved. Therefore, attempts to fight thugs have never been successful since elite actors who exploit their existence for specific pragmatic purposes usually provide security.<sup>2</sup>

One of the key factors allowing thuggery to grow extensively and in an orderly manner in Indonesia is weak law enforcement. Many instances of intimidation, extortion, or violence committed by thugs go unpunished by law enforcement authorities. This gives the image of impunity—that is, that offenders of crimes can act without regard for definite legal repercussions. The public's confidence in the police and court systems has dropped due to the lack of gravity given to these matters. For personal safety, the public feels defenceless and often decides to remain silent or even turn to bargain

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<sup>1</sup> Nugroho, B. H. (2020). Premanisme sebagai Gejala Sosial dalam Struktur Kekuasaan. *Jurnal Sosiologi Reflektif*, 14(2), 289-310. <https://doi.org/10.14421/jsr.v14i2.2150>

<sup>2</sup> Ryter, L. T. (2001). Pemuda Pancasila: The Last Loyalist of the New Order. *Indonesia*, 66, 45–73. <https://doi.org/10.2307/3351285>

with gangsters. Thus, even being regarded as alternative "protectors" in areas the state overlooks, thugs acquire a certain social legitimacy. This phenomenon increases the space for thugs to engage in illicit activities and supports their standing in the local social system.<sup>3</sup>

Within the framework of growing thuggery upsetting public order and security, the state has a constitutional obligation that is not negotiable. Through Article 28G paragraph (1) of the 1945 Constitution, the Indonesian Constitution expressly protects every person's right to protection of themselves, their families, their honour, their dignity, and their property. Furthermore, the state has to ensure protection from all kinds of hazards or fears that can stop someone from claiming or defending their rights. The state cannot be passive in a situation where thuggery is expanding and generating a threatening societal environment. The state's role has to be achieved through thorough policies comprising strong and equitable law enforcement and social programs meant to solve the underlying causes of thuggery, such as poverty and unemployment.<sup>4</sup>

Still, attempts to fight gangsterism cannot be accomplished just with oppressive methods like mass arrests or raids. Often, short-term, these strategies ignore the underlying

causes of the issue. A more complete and lasting approach is required, including economic empowerment for the underprivileged and marginalised, improving access to good education, and building inclusive employment possibilities. Furthermore, law enforcement must be efficient and non-discriminatory to strengthen a fair, open, and politically intervention-free legal system. The state must also ensure the public trusts law enforcement authorities so that initiatives to eradicate gangsterism have no opposite effect. The state can only fulfil its constitutional role in guaranteeing public security and order and shielding society from gangster activities causing extensive disruption by combining structural and cultural strategies like this.<sup>5</sup>

Examining and evaluating the constitutional responsibilities of the state in ensuring the security of citizens from intimidatory actions performed by thugs as a type of danger to fundamental human rights is the main aim of this article. Thugism is a social phenomenon that directly disturbs citizens' sense of security while they go about their daily lives, therefore affecting not just the stability of public order. In the framework of a state of law, as underlined in Article 28G, paragraph (1), of the 1945 Constitution, every person has the right to personal protection and a sense of security from

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<sup>3</sup> Butt, S. (2011). *Policing in Indonesia: Reform and resistance*. Routledge.

<sup>4</sup> Asshiddiqie, J. (2006). *Konstitusi dan konstitusionalisme Indonesia*. Konstitusi Press.

<sup>5</sup> Nugroho, H. (2014). *Politik Hukum dan Penegakan Hukum di Indonesia*. Yogyakarta: Pustaka Pelajar.

all kinds of hazards, including violent practices or intimidation by non-state actors, including thugs. Therefore, it is crucial to investigate the practical performance of the state's constitutional obligations, particularly by law enforcement officials such as the police.

This study seeks to elucidate the disparity between constitutional norms and empirical reality, particularly in contexts where acts of thuggery are frequently inadequately addressed or even shielded by informal power structures. This underscores a significant obstacle in realising a rule of law that champions justice and human rights protection. Furthermore, the study aspires to promote the development of legal policies that are not merely repressive but also preventive and solution-focused, employing a social welfare and distributive justice framework.<sup>6</sup>

The need to conduct this research arises from the increasing prevalence of thuggery, which threatens essential citizen rights, especially the right to security. Thuggery constitutes not merely a criminal offence but also signifies a systemic inadequacy in ensuring equitable economic and social opportunities for all persons. Poverty, unemployment, and social inequality are the primary factors that sustain thuggery in various locations. Article 28G paragraph (1) of the 1945

Indonesian Constitution provides everyone the right to safeguard themselves, their families, honour, dignity, and property. Furthermore, the state must ensure security and protection against all sorts of dangers or fears that may inhibit individuals from expressing or defending their rights. In actuality, several instances of thuggery are not adequately addressed by law enforcement, fostering a perception of impunity and diminishing public confidence in police and judicial institutions.

This study aims to clarify the gap between constitutional principles and what happens where acts of thuggery are often poorly handled or even supported by unofficial power groups. This gap is a significant obstacle to the rule of law that champions justice and protects human rights. Consequently, this study is crucial for promoting the development of legal policies that are not merely punitive but also preventive and solution-focused, leveraging a framework of social welfare and distributive justice. Protecting citizens from intimidation by thugs is a moral and legal obligation mandated by the Constitution, which the state must fulfil wholly and consistently. This study underscores that safeguarding citizens from intimidation by thugs is not merely a moral imperative but a legal obligation mandated by the

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<sup>6</sup> Alfian, R. (2021). Premanisme dan Ketimpangan Sosial: Sebuah Refleksi Politik Hukum. *Jurnal Hukum dan Pembangunan*, 51(2),

210-225.

<https://doi.org/10.21143/jhp.vol51.no2.2936>

constitution, which the state must fulfil wholly and consistently.<sup>7</sup>

This paper introduces a fresh perspective in constitutional law and legal politics by highlighting the constitutional aspects of thuggery, a topic predominantly examined through criminological or sociological lenses. Thuggery is frequently perceived merely as an ordinary crime that requires strict law enforcement intervention. This problem is directly linked to the infringement of citizens' fundamental rights to security, as stipulated in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The originality of this study resides in its analysis of thuggery as a danger to fundamental rights enshrined in the constitution, positioning the state as an entity that must be held legally and morally accountable.

This study enhances the scholarly corpus by connecting the issue of gangsterism with the philosophy of the rule of law and the principle of ensuring protection for citizens against non-state coercion. This approach emphasises legal enforcement and examines the state's responsibilities when formulating preventive measures grounded in social justice. This topic has been insufficiently addressed in Indonesian positive law literature.<sup>8</sup> This study

distinguishes itself by emphasising the significance of inclusive and human rights-oriented policy reform as an alternative to a solely repressive security strategy. It expands scholarly discourse and provides practical contributions to public policy development in law and order.<sup>9</sup>

From the background above, the researcher focuses on a Research Question: What is the state's constitutional responsibility towards protecting citizens from thuggery?

## B. METHODS

This study uses a qualitative research method incorporating a literature approach and legal and political frameworks. The qualitative method was chosen because it helps to deeply understand the critical role of social and legal issues, especially how the state carries out its constitutional responsibilities to protect citizens from thuggery. This study emphasises the interpretation of legal norms, constitutional provisions, judicial rulings, and the perspectives of legal and policy experts, rather than statistical data.

The literature review examines secondary sources, including scientific journals, books, reports from state institutions, laws and regulations, and pertinent legal and political publications. This approach aims to

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<sup>7</sup> Siregar, D. A. (2022). Perlindungan Konstitusional terhadap Hak Keamanan Warga Negara. *Jurnal Konstitusi*, 19(3), 430-448. <https://doi.org/10.31078/jk1934>

<sup>8</sup> Sari, N. M. (2022). Perlindungan Hak Konstitusional dalam Negara Hukum Indonesia.

*Jurnal Hukum dan Keadilan*, 9(2), 101-115. <https://doi.org/10.25041/jhk.v9i2.1487>

<sup>9</sup> Subekti, B. (2021). Premanisme dalam Perspektif Hukum dan Keamanan Nasional. *Jurnal Keamanan Nasional*, 5(1), 45-60. <https://doi.org/10.21070/jkn.v5i1.1120>

scrutinize the legal and historical framework of the state's role in addressing thuggery and to evaluate current legal procedures. In legal research, this methodology is called a normative approach, wherein law is perceived as a system of norms that must be examined through diverse written sources.<sup>10</sup> Moreover, the legal and political framework explores the dynamics between state power and political interests in the strategy to combat thuggery. This methodology is beneficial for comprehending how power dynamics influence the execution of legal norms in practice, including potential bias or deviation in fulfilling the state's constitutional responsibilities.<sup>11</sup> This strategy aims to thoroughly grasp the state's constitutional duty to ensure citizen security while proposing equitable and effective legal and policy solutions.

## C. RESULTS AND DISCUSSION

### 1. Thuggery as a Threat to Order and Security

In Indonesia, premanism is a longstanding social phenomenon that quickly threatens public order and security. Premanism is defined as the informal practice of employing violence, intimidation, and coercion by specific individuals or organisations

against citizens, conducted beyond the parameters of state law. Predominance is characterised by territorial dominance, the extortion of small business operators, the intimidation of people, and participation in illicit activities, including unlawful security services and black-market commerce. Premen lack legal authority yet exert influence through coercion derived from physical strength or informal power structures.<sup>12</sup>

Thuggery exerts numerous detrimental effects on society. One form is the systematic intimidation of the community, particularly targeting economically disadvantaged populations, who are vulnerable owing to restricted access to legal protection. Extortion tactics at terminals, traditional markets, and small enterprises frequently transpire without sufficient law enforcement. This engenders a climate of apprehension and constricts the scope of citizens' rights when executing their social and commercial endeavours. Moreover, thuggery constitutes a breach of human rights, including the right to security, freedom from violence, and the right to a dignified existence as enshrined in the constitution.<sup>13</sup>

<sup>10</sup> Marzuki, P. M. (2005). *Penelitian Hukum*. Jakarta: Kencana.

<sup>11</sup> Afandi, M. (2021). Politik Hukum dalam Penanggulangan Kejahatan Jalanan. *Jurnal Hukum Progresif*, 13(1), 77–89. <https://doi.org/10.14710/jhp.13.1.2021.77-89>

<sup>12</sup> Syamsuddin, M. (2020). Fenomena Premanisme dan Implikasinya terhadap

Ketertiban Sosial. *Jurnal Kriminologi Indonesia*, 16(2), 133–147. <https://doi.org/10.7454/jki.v16i2.9876>

<sup>13</sup> Widiastuti, A. (2022). Intimidasi Preman dalam Perspektif Hak Asasi Manusia. *Jurnal HAM*, 13(1), 45–59. <https://doi.org/10.30641/ham.2022.13.45-59>

Thuggery may be classified as a type of non-state violence. This sort of violence is perpetrated not by official state representatives. Yet, it exerts a comparable damaging effect, frequently more intricate due to its informal connections with state actors or local political elites. The idea of non-state violence posits that the existence of hooligan organisations is often sanctioned or even safeguarded by certain political entities to preserve influence and authority at both local and national levels. This complicates the eradication of thuggery, as the underlying issue is legal, political, and structural.<sup>14</sup>

Consequently, thuggery has transcended a mere criminal issue and has evolved into a significant challenge that undermines legal authority, erodes societal justice, and challenges the state's constitutional obligation to safeguard its citizens from intimidation and violence. The state must view this situation as a complex issue that requires a strong, systematic, and fair response to ensure order and equal protection for all residents.

## 2. Constitutional Guarantee of Citizen Security

Security is an inherent right for every citizen, explicitly enshrined in the Indonesian constitution. Article 28G, paragraph (1) of the 1945 Constitution of the Republic of

Indonesia (UUD 1945) asserts that "everyone is entitled to safeguard themselves, their families, their honor, their dignity, and their property under their control, and possesses the right to a sense of security and protection against threats that induce fear regarding the exercise or non-exercise of fundamental human rights." This section indicates that the state is obligated to provide the security of its residents, encompassing protection from both physical dangers and psychological or social intimidation, including acts of thuggery.<sup>15</sup>

Moreover, Article 30, paragraph (4) of the 1945 Constitution stipulates that "The Republic of Indonesia National Police, as a state apparatus responsible for maintaining public security and order, is tasked with protecting, serving the community, and enforcing the law." This section establishes a legal foundation for the state, particularly the police, to proactively foster a secure social environment devoid of non-state violence, including thuggery.

The state's obligation to safeguard the fundamental rights of citizens is integral to the principle of the rule of law (*rechtsstaat*) embraced by Indonesia. Within this context, the state serves not only as a legislator and enforcer but also as the principal entity responsible for safeguarding the constitutional rights of its citizens,

<sup>14</sup> Hidayat, R. (2019). Kekerasan Non-Negara dan Tantangan Negara Hukum di Indonesia. *Jurnal Ilmu Sosial dan Ilmu Politik*, 23(1), 102–117. <https://doi.org/10.22146/jsp.12345>

<sup>15</sup> Arifin, Z. (2021). Hak Konstitusional atas Rasa Aman dalam Perspektif Negara Hukum. *Jurnal Hukum dan Pembangunan*, 51(1), 35–50. <https://doi.org/10.21143/jhp.vol51.no1.2789>



including the right to live without fear and free from adverse societal forces.<sup>16</sup>

The entitlement to freedom from fear and intimidation is fundamental to the constitutional right to security. In thuggery, the state must prevent the emergence of informal violent behaviours, as this contravenes the concept of legal equality and social fairness enshrined in the 1945 Constitution. The state's inability to eliminate thuggery violates the constitutional obligation that explicitly governs safeguarding fundamental human rights.<sup>17</sup>

Therefore, constitutional guarantees for citizen security are insufficient to be accepted normatively; instead, they must be realised through strict and fair policies, consistent laws without discrimination, and thorough institutional reforms to protect every individual's fundamental rights. The state must guarantee efficient management of intimidation, thuggery, and violence to establish a feeling of security that is equally shared in all spheres of life.

### 3. State Obligations in a Legal Political Perspective

Within the framework of a state of law, legal politics is the primary

direction of state policy in deciding, controlling, and implementing laws to guarantee justice and protect citizens' rights, especially the right to security. Legal politics expresses the will of the state in building a legal framework that generates social security and order. In the framework of eliminating thuggery, legal politics must focus on thorough campaigns stressing repressive features and preventive and rehabilitative ones.<sup>18</sup>

Ensuring the right to security depends much on the three branches of state authority. The legislative body is charged with developing laws that assist in safeguarding people from the menace of non-state violence and thuggery. The administration is responsible for applying and executing the law equitably and without discrimination, using the police and other law enforcement personnel. Concurrently, the court serves as the last regulator offering victims of crime—including those of thuggery intimidation—legal certainty and justice.<sup>19</sup>

Law Number 2 of 2002 about the Indonesian National Police specifies that in terms of regulation, the Indonesian National Police is assigned to keep public order and security,

<sup>16</sup> Putra, A. Y. (2020). Peran Negara dalam Menjamin Hak Asasi Warga Negara: Kajian Konstitusional. *Jurnal Konstitusi*, 17(4), 689–705. <https://doi.org/10.31078/jk1745>

<sup>17</sup> Nurhadi, B. (2022). Premanisme dan Ketidakamanan Sosial: Tantangan terhadap Hak Konstitusional. *Jurnal Hukum dan Masyarakat*, 13(2), 112–129. <https://doi.org/10.25041/jhm.v13i2.3201>

<sup>18</sup> Sujatmiko, D. (2020). Politik Hukum dalam Penegakan Hak Konstitusional Warga Negara. *Jurnal Legislasi Indonesia*, 17(3), 209–223. <https://doi.org/10.54629/jli.v17i3.220>

<sup>19</sup> Rachmad, R. (2021). Sinergi Lembaga Negara dalam Menjamin Rasa Aman Masyarakat. *Jurnal Konstitusi*, 18(1), 121–135. <https://doi.org/10.31078/jk1818>



execute the law, and provide protection and services to the people. Article 13 expressly says that the Indonesian National Police has to act repressively and preventively against security disruptions, including thuggery. Nevertheless, systemic limitations, including corruption, conflicting power, and inadequate oversight, frequently compromise the effectiveness of this law's application.<sup>20</sup>

The Criminal Code (KUHP) does not have a specific name for "thuggery." Yet, some actions carried out by thugs—such as extortion, violence, threats, and illegal territory control—have been defined as criminal offences. The flaws are the inadequate enforcement and lack of community-based preventive programs that let thuggery persist and potentially become a social force compromising public order.<sup>21</sup>

Therefore, the state has constitutional and legal political obligations to create and carry out integrated, not merely reactive, policies. To guarantee the development of actual and thorough protection for citizens from different kinds of thuggery practices that endanger public order and the society's sense of security, this policy must involve solid coordination between state institutions, including the police,

legislative institutions, and social institutions.

#### 4. Evaluation of Law Enforcement against Thuggery

Particularly, the Indonesian National Police and law enforcement against thuggery in Indonesia have taken the stage in their priorities. Different regular operations, including Preman and Street Crime Operation, have been conducted to punish offenders of extortion, threats, and illegal territory control. For instance, Polda Metro Jaya found more than 3,000 alleged thuggery practitioners in a few months of search. Nevertheless, despite this intense activity, the phenomenon of thuggery has not exhibited any appreciable decrease and often becomes a more subdued and orderly shape.<sup>22</sup>

The primary flaw of this repressive policy is its lack of interaction with structural remedies addressing the issue's core. Thuggery grows in poverty, unemployment, and inadequate education. Thus, without lasting social and economic policies, enforcement activities will only be transient and rerun the same cycle of violence. Furthermore, often overlooked by the repressive approach are the fundamental rights of suspects or accused offenders, therefore

<sup>20</sup> Prasetyo, T. (2022). Efektivitas Penegakan Hukum Premanisme oleh Kepolisian. *Jurnal Hukum dan Keadilan*, 9(2), 301–317. <https://doi.org/10.25041/jhk.v9i2.2763>

<sup>21</sup> Wijaya, R. (2019). Tindak Premanisme dalam Perspektif Hukum Pidana Nasional.

*Jurnal Hukum dan Pembangunan Sosial*, 14(1), 87–100. <https://doi.org/10.33369/jhps.v14i1.1497>

<sup>22</sup> Nugroho, H. (2022). Kinerja Kepolisian dalam Menanggulangi Premanisme di Perkotaan. *Jurnal Ilmu Kepolisian*, 14(2), 115–128. <https://doi.org/10.25077/jik.14.2.115-128.2022>

allowing room for government abuse of power.<sup>23</sup>

Conversely, the way law enforcement officials handle thuggery depends much on their discretion. Discretion has two different meanings since it gives officers, under legal circumstances not specifically controlled, limited latitude to make decisions. While discretion lets one react quickly to important events, it also makes one prone to being abused for particular political or financial gain without strong oversight and responsibility. Cases where certain officials shield thugs from harm or employ them as a tool of coercion against political rivals highlight how exposed discretion is without oversight.

Therefore, the assessment of law enforcement against thuggery should not be limited to repressive actions. It should also include strengthening a clear and strong legal framework, rigorous supervision of discretion by law enforcement officers so that it is not abused, and integration of structural countermeasures. This structural strategy addresses the underlying causes sustaining the practice of thuggery using community empowerment through education, skill

development, and social welfare enhancement.

## 5. Constitutional Strategy and Inclusive Public Policy

Fighting thuggery calls for a plan that transcends a harsh one. Dealing with thuggery in the framework of a democratic and legal state has to be grounded in a preventive, humanistic approach compliant with constitutional mandate. Early detection of the possibility of developing violent and intimidating practices through a community-based monitoring system, community legal education, and the participation of local leaders in preserving order forms the main emphasis of a preventive strategy.<sup>24</sup> Meanwhile, the humanistic approach emphasizes respect for human rights, even for individuals involved in gangsterism, by opening up social rehabilitation space for them.<sup>25</sup>

Inclusive public policies must also incorporate social justice, more access to education, and elements of economic empowerment. The leading causes of thug group formation are poverty, few job opportunities, and financial disparity. Programs like entrepreneurial training, micro-business help, and vocational education for underprivileged

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<sup>23</sup> Rahmawati, D. (2020). Premanisme dan Kesenjangan Sosial: Studi tentang Faktor Ekonomi dalam Kejahatan Jalanan. *Jurnal Kriminologi Indonesia*, 11(1), 33–47. <https://doi.org/10.7454/jki.v11i1.5678>

<sup>24</sup> Wibowo, A. (2021). Pendekatan Preventif dalam Penanggulangan Kejahatan Sosial di Perkotaan. *Jurnal Ilmu Sosial dan*

*Politik*, 18(2), 144–157. <https://doi.org/10.22146/jisp.2021.144>

<sup>25</sup> Setiawan, I. (2020). Humanistik dalam Penegakan Hukum: Alternatif dalam Reformasi Sistem Peradilan Pidana. *Jurnal Hukum Progresif*, 12(1), 45–60. <https://doi.org/10.25077/jhp.12.1.45-60.2020>

populations can, therefore, be major substitutes in restricting the area where thuggery flourishes. Building legal knowledge and human values also depends on early character education.<sup>26</sup>

Conversely, civil society involvement is crucial in establishing secure and orderly surroundings. Agents of change in public education, conflict mediation, law enforcement practice monitoring, and public awareness can be community organisations, non-governmental groups, religious leaders, and the mass media, ensuring they stay aligned with the ideas of justice and human rights. Furthermore, coordination among government agencies, including the Ministry of Social Affairs, the Ministry of Education, the police, and prisons, must be enhanced to create combined policies for empowerment and prevention.<sup>27</sup>

Therefore, the state has to create and carry out a thorough plan to fight thuggery using its constitutional machinery and public policy tools. This approach should attack the foundations of socioeconomic and structural issues, such as poverty, unemployment, social inequality, and limited access to education and justice, in addition to focusing on action against criminal offenders. The state can foster the development of public confidence and security by using an inclusive and humane attitude,

therefore facilitating more favourable surroundings. This aligns with the constitutional mandate that designates the protection of citizens from all forms of intimidation and violence as a fundamental responsibility of the state in carrying out its functions reasonably and civilly.

## D. CONCLUSIONS

One type of non-state violence endangering every citizen's sense of security, social order, and fundamental human rights is thuggery. Apart from directly affecting the victims, intimidating acts carried out by groups of thugs generate collective terror in society. In this regard, the state has a very significant constitutional commitment based on Article 28G paragraph (1) and Article 30 paragraph (4) of the 1945 Constitution to guard people from all hazards, including non-state violence, including thuggery. Not just a normative right, but also a fundamental one that has to be achieved in actual policies and acts, is the right to a feeling of security. The state must thus aggressively and fairly fulfil its constitutional obligations. Active implies that the state strengthens society using economic, educational, and social justice policies and acts reactively against thuggery. Fair means that law enforcement has to respect human rights and be free from

<sup>26</sup> Nasution, R. (2019). Ketimpangan Ekonomi dan Kejahatan Jalanan: Studi Sosiologi Kriminal. *Jurnal Kriminologi Sosial*, 7(1), 23–39. <https://doi.org/10.7454/jks.v7i1.1092>

<sup>27</sup> Handayani, M. (2022). Peran Masyarakat Sipil dalam Mendorong Reformasi Hukum di Indonesia. *Jurnal Demokrasi dan HAM*, 9(2), 112–125. <https://doi.org/10.31289/jdh.v9i2.5421>

prejudice; it is not sharp below and blunt upward.

Effective anti-thuggery has to be sought through a multifaceted approach, including several stakeholders, such as state institutions, law enforcement authorities, civil society, and the educational sector. State efforts will find it challenging to produce durable outcomes without the active participation of all three components. Through regular and responsible performance of its duties, the state satisfies constitutional mandate and gains public confidence in the government and legal system. The foundation of democracy and social justice is citizen security; so, its assurance has to be given top importance in every national agenda.

### **Recommendation:**

Based on the foregoing analytical results, concrete and methodical actions are required to defeat thuggery as a danger to citizens' constitutional rights to a sense of security. The need for integration between a repressive legal approach and a rights-based social protection strategy is among the primary suggestions.

First, the repressive approach through law enforcement must be carried out firmly, professionally, and accountably. Law enforcement officers need to be trained in ethics, human rights, and conflict management so that their actions do not violate citizens' rights. Supervision of officer discretion must also be strengthened to prevent potential abuse of power.

Second, preventive social strategies must be the main component of the policy of overcoming gangsterism. The government needs to develop economic empowerment programs, vocational education, and job provision in areas prone to gangsterism. This will address the structural roots of gangsterism, such as poverty and unemployment.

Third, a rights-based social protection system needs to be designed to ensure that every citizen, especially vulnerable groups, is protected from the threat of violence and intimidation. This includes counselling services, free legal aid, witness protection, and rehabilitation of victims of non-state violence.

Fourth, synergy is needed between the central government, regional governments, legislative institutions, and civil society in building a just and inclusive legal culture. Legal education and public awareness campaigns must be encouraged to strengthen citizen participation in maintaining order and security.

By combining a strong legal approach and rights-based social protection, the state can more optimally carry out its constitutional responsibilities and ensure a sense of security and dignity for every citizen.

### **REFERENCES:**

Afandi, M. (2021). Politik Hukum dalam Penanggulangan Kejahatan Jalanan. *Jurnal Hukum Progresif*, 13(1), 77–89.

- <https://doi.org/10.14710/jhp.13.1.2021.77-89>
- Alfian, R. (2021). Premanisme dan Ketimpangan Sosial: Sebuah Refleksi Politik Hukum. *Jurnal Hukum dan Pembangunan*, 51(2), 210-225.  
<https://doi.org/10.21143/jhp.vol51.no2.2936>
- Arifin, Z. (2021). Hak Konstitusional atas Rasa Aman dalam Perspektif Negara Hukum. *Jurnal Hukum dan Pembangunan*, 51(1), 35–50.  
<https://doi.org/10.21143/jhp.vol51.no1.2789>
- Asshiddiqie, J. (2006). *Konstitusi dan konstitusionalisme Indonesia*. Konstitusi Press.
- Butt, S. (2011). *Policing in Indonesia: Reform and resistance*. Routledge.
- Fadhilah, S. (2021). Diskresi Polisi dalam Perspektif Hukum dan Etika Penegakan Hukum. *Jurnal Hukum dan Etika*, 7(1), 91–105.  
<https://doi.org/10.31289/jhe.v7i1.4567>
- Handayani, M. (2022). Peran Masyarakat Sipil dalam Mendorong Reformasi Hukum di Indonesia. *Jurnal Demokrasi dan HAM*, 9(2), 112–125.  
<https://doi.org/10.31289/jdh.v9i2.5421>
- Hidayat, R. (2019). Kekerasan Non-Negara dan Tantangan Negara Hukum di Indonesia. *Jurnal Ilmu Sosial dan Ilmu Politik*, 23(1), 102–117.  
<https://doi.org/10.22146/jsp.12345>
- Marzuki, P. M. (2005). *Penelitian Hukum*. Jakarta: Kencana.
- Nasution, R. (2019). Ketimpangan Ekonomi dan kejahatan Jalanan: Studi Sosiologi Kriminal. *Jurnal Kriminologi Sosial*, 7(1), 23–39.  
<https://doi.org/10.7454/jks.v7i1.1092>
- Nugroho, B. H. (2020). Premanisme sebagai Gejala Sosial dalam Struktur Kekuasaan. *Jurnal Sosiologi Reflektif*, 14(2), 289–310.  
<https://doi.org/10.14421/jsr.v14i2.2150>
- Nugroho, H. (2014). *Politik Hukum dan Penegakan Hukum di Indonesia*. Yogyakarta: Pustaka Pelajar.
- Nugroho, H. (2022). Kinerja Kepolisian dalam Menanggulangi Premanisme di Perkotaan. *Jurnal Ilmu Kepolisian*, 14(2), 115–128.  
<https://doi.org/10.25077/jik.14.2.115-128.2022>
- Nurhadi, B. (2022). Premanisme dan Ketidakamanan Sosial: Tantangan terhadap Hak Konstitusional. *Jurnal Hukum dan Masyarakat*, 13(2), 112–129.  
<https://doi.org/10.25041/jhm.v13i2.3201>
- Prasetyo, T. (2022). Efektivitas Penegakan Hukum Premanisme oleh Kepolisian. *Jurnal Hukum dan Keadilan*, 9(2), 301–317.  
<https://doi.org/10.25041/jhk.v9i2.2763>
- Putra, A. Y. (2020). *Peran Negara dalam Menjamin Hak Asasi Warga Negara: Kajian Konstitusional*.

- Jurnal Konstitusi, 17(4), 689–705.  
<https://doi.org/10.31078/jk1745>
- Rachmad, R. (2021). Sinergi Lembaga Negara dalam Menjamin Rasa Aman Masyarakat. Jurnal Konstitusi, 18(1), 121–135.  
<https://doi.org/10.31078/jk1818>
- Rahmawati, D. (2020). Premanisme dan Kesenjangan Sosial: Studi tentang Faktor Ekonomi dalam Kejahatan Jalanan. Jurnal Kriminologi Indonesia, 11(1), 33–47.  
<https://doi.org/10.7454/jki.v11i1.5678>
- Ryter, L. T. (2001). Pemuda Pancasila: The Last Loyalist of the New Order. Indonesia, 66, 45–73.  
<https://doi.org/10.2307/3351285>
- Sari, N. M. (2022). Perlindungan Hak Konstitusional dalam Negara Hukum Indonesia. Jurnal Hukum dan Keadilan, 9(2), 101–115.  
<https://doi.org/10.25041/jhk.v9i2.1487>
- Setiawan, I. (2020). Humanistik dalam Penegakan Hukum: Alternatif dalam Reformasi Sistem Peradilan Pidana. Jurnal Hukum Progresif, 12(1), 45–60.  
<https://doi.org/10.25077/jhp.12.1.45-60.2020>
- Siregar, D. A. (2022). Perlindungan Konstitusional terhadap Hak Keamanan Warga Negara. Jurnal Konstitusi, 19(3), 430–448.  
<https://doi.org/10.31078/jk1934>
- Subekti, B. (2021). Premanisme dalam Perspektif Hukum dan Keamanan Nasional. Jurnal Keamanan Nasional, 5(1), 45–60.  
<https://doi.org/10.21070/jkn.v5i1.1120>
- Sujatmiko, D. (2020). Politik Hukum dalam Penegakan Hak Konstitusional Warga Negara. Jurnal Legislasi Indonesia, 17(3), 209–223.  
<https://doi.org/10.54629/jli.v17i3.220>
- Syamsuddin, M. (2020). Fenomena Premanisme dan Implikasinya terhadap Ketertiban Sosial. Jurnal Kriminologi Indonesia, 16(2), 133–147.  
<https://doi.org/10.7454/jki.v16i2.9876>
- Wibowo, A. (2021). Pendekatan Preventif dalam Penanggulangan Kejahatan Sosial di Perkotaan. Jurnal Ilmu Sosial dan Politik, 18(2), 144–157.  
<https://doi.org/10.22146/jisp.2021.144>
- Widiastuti, A. (2022). Intimidasi Preman dalam Perspektif Hak Asasi Manusia. Jurnal HAM, 13(1), 45–59.  
<https://doi.org/10.30641/ham.2022.13.45-59>
- Wijaya, R. (2019). Tindak Premanisme dalam Perspektif Hukum Pidana Nasional. Jurnal Hukum dan Pembangunan Sosial, 14(1), 87–100.  
<https://doi.org/10.33369/jhps.v14i1.1497>