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Law Enforcement Against The Occurrence of The Criminal Act of Looting in The Case of Looting of The Residentials of Members of The Legislative in Indonesia in The Case of The August 2025 Demonstration

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Abstract: The police have announced all suspects in the looting of several officials' homes that occurred during the demonstrations at the end of August 2025. A total of 52 people have been named as suspects and detained. These arrests have drawn public attention because the looted homes belonged not only to current officials but also to former ministers. This research uses a normative legal research method. The approach begins with a search for legal materials as a basis for making legal decisions on concrete legal cases. Where the legal rules used in this research are the Criminal Code (KUHP), specifically Article 363 concerning Aggravated Theft. From the results of the study, it is concluded that law enforcement in a country is highly dependent on important elements that form the legal system itself as stated by Lawrence M. Friedman, that law enforcement emphasizes the existence of three main elements in a legal system: legal structure, legal substance, and legal culture. Law enforcement carried out by the police is carried out repressively where the perpetrators of the crime of looting are processed after the looting has occurred. In the event of issues about or at the time of looting, the police should have taken preventive measures by securing the scene of the crime so as to minimize greater damage and losses.

Keyword: Law Enforcement, Demonstrations, Criminal Looting.

INTRODUCTION

In Law of the Republic of Indonesia Number 9 of 1998 concerning Freedom of Expression in Public, the state guarantees that freedom of expression is the right of every citizen. As stated in Chapter I, Article 1, it is explained that a demonstration or protest is an activity carried out by one or more individuals to express their thoughts verbally, in writing, and so on in a demonstrative manner in public.

The purpose of demonstrations is to express opinions, generally of a conflicting nature, in order to uphold the rights of the state and democracy. Meanwhile, the function of demonstrations is stated in Article 2 paragraph (1) that, "Every citizen, individually or in

groups, expresses opinions as a manifestation of democratic rights and responsibilities in social, national and state life."

Demonstrations are a citizen's right to express their opinions in public, as regulated by law. However, demonstrations are sometimes exploited by certain individuals, leading to violence and even criminal acts, as occurred recently. The demonstration resulted in the looting of the property of House of Representatives members Sharoni, Eko Patrio, Nafa Urbach, and Uya Kuya, which ultimately led to their being named suspects.

The police have announced all suspects in the looting of several officials' homes that occurred during the wave of demonstrations at the end of August 2025. A total of 52 people have been named as suspects and detained. These arrests have drawn public attention because the looted homes belonged not only to active officials but also to former ministers. The homes targeted by looting include those of inactive House of Representatives member Ahmad Sahroni, inactive House member Eko Patrio, inactive House member Uya Kuya, inactive House member Nafa Urbach, and former Finance Minister Sri Mulyani. Police said the looting took place sporadically, exploiting the chaos of the demonstrations that spread to residential areas.¹

The Head of the Indonesian National Police Criminal Investigation Agency, Commissioner General Syahardiantono, detailed the arrests of suspects based on location. There are 12 suspects in the looting of Ahmad Sahroni's house, seven suspects in the house of Eko Patrio, 11 suspects in the house of Uya Kuya, 14 suspects in the house of Sri Mulyani, and eight suspects in the house of Nafa Urbach. In an official statement, the police provided the initials of several perpetrators. For the looting of Ahmad Sahroni's house, the suspects are identified as MA, G, SW, GA, AFI, RK, MRN, SB, BS, GA, MA, and MY.

Meanwhile, the looting at Uya Kuya's house involved suspects with the initials MR, MH, AK, WW, AS, RP, AS, M, DAY, and DDR. Meanwhile, for the looting of Sri Mulyani's house, the suspects had the initials Y, VL, FA, MH, KS, S, RG, JS, NS, AH, AA, RA, DJS, and I. At Nafa Urbach's house, the suspects had the initials MF, MA, AA, MNP, MAF, APP, RG, and RRM. In addition, the police also secured two suspects for distributing authentic data manipulation content and five suspects for destroying the bus stop in front of the Ministry of Education and Culture, Jakarta.

According to the National Police's Criminal Investigation Unit, most of the perpetrators were not part of the protesters, but rather residents who exploited the chaos to commit crimes. "Evidence from the looting has also been secured, including jewelry and electronics, and even motor vehicles," said the Head of the Criminal Investigation Unit, Commissioner General Syahardiantoro, in a press statement on Tuesday (September 23, 2025). The police also explained that this crime was committed in a social emergency, so there is a possibility of aggravating the article in the legal process.

Basically, demonstrations have a noble purpose, one of which is to criticize a government regulation or decision that is considered burdensome to the community. Through these demonstrations, the public's hopes can be accommodated, and the government can review the regulations or decisions to be taken. The criminal act of looting that occurred as in the case above did not just happen, but many factors behind the occurrence of this crime. Regardless of the factors behind the case, the author will examine it in depth from a law enforcement perspective. Based on the facts, the victims of the looting were members of the Indonesian legislature, so this action should have been prevented if law enforcement had been running properly and the acts of looting would not have occurred in succession in a short time.

¹ *Bareskrim Polri Sebut Ada 52 Tersangka Penjarahan Rumah Ahmad Sahroni hingga Sri Mulyani*, diakses pada Sabtu 27 September 2025 pukul 10:34 WIB.

Based on the description above, the author is interested in creating a journal related to the crime of looting with the research title "Law Enforcement Against the Occurrence of the Crime of Looting in the Case of Looting the Residences of Legislative Members in Indonesia During the August 2025 Demonstration".

METHOD

In this study, the author used a normative legal research method. The approach begins with an examination of legal materials as a basis for making legal decisions on concrete legal cases.² Where the legal regulations used in this research are the Criminal Code (KUHP), specifically Article 363 concerning Aggravated Theft.

RESULTS AND DISCUSSION

Criminal Act of Looting

Our legislators have used the words "strafbaar feit" to refer to what we know as "criminal acts" in the criminal code without providing any explanation regarding what is actually meant by the words "strafbaar feit".³ The word "feit" itself in Dutch means "part of a reality" or "een gedeelte van de werkelijkheid" while "strafbaar" means "punishable" so that literally the word strafbaarfeit can be translated as "part of a reality that can be punished" which is certainly not correct. Therefore, we will know that what can be punished is actually a human being as an individual and not the reality of actions or deeds.

Furthermore, Simons has formulated "strafbaar feit" as an "act that violates the law which has been carried out intentionally or unintentionally by someone who can be held responsible for his actions, and which has been declared by law to be an act that can be punished".⁴

The term or definition of looting is not found in the Criminal Code (KUHP), but it can be classified as a crime of theft by fulfilling the elements of Article 363 of the KUHP. Looting is the forced taking of goods during war, disaster, and/or riots. Looting is one component of theft. Looting is a situation that is not conducive to a natural disaster, for example, perpetrators unexpectedly carry out looting due to riots and when the opportunity arises, they take advantage of it.⁵

After knowing what is meant by a criminal act from Simons' explanation above, the author then discusses the crime of looting as a research topic.

Referring to the provisions of Article 362 of the Criminal Code, it states: "Anyone who takes something, which in part or in whole belongs to another person with the intention of possessing it unlawfully, is threatened with theft with a maximum sentence of five years or a maximum fine of sixty million rupiah." The elements of Article 362 of the Criminal Code are quoted from the book of criminal law written by R. Soesilo, namely as follows:

1. The act of taking
2. What is taken must be something
3. The item must belong wholly or partly to another person.
4. The taking must be done with the intention of possessing the item unlawfully (against rights)".⁶

²Ika Atikah, *Metode Penelitian Hukum*, Haura Utama, Sukabumi, 2022, hal. 54

³P.A.F. Lamintang, *Dasar-Dasar Hukum Pidana Indonesia*, (Surabaya: Citra Aditya Bakti, 2013), hal. 181

⁴*Ibid*, Im. 185

⁵Syafa'a, Muhammad Faraz Asyadil, Benny Irawan, and Reine Rofiana, Pelaku Penjarahan Korban Kecelakaan Lalu Lintas Dalam Perspektif Kriminologi. *Jurnal Ilmiah Ilmu Hukum* 10.1, Juni, (2025), hal. 68

⁶R. Soesilo, *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*, (Bogor: Politea, 1988), hal. 249

The following will discuss each of these elements of the crime of ordinary theft briefly as follows:

1. Whoever. Whoever is the perpetrator or subject of a criminal act (delict). By using the word "whoever" means that the perpetrator can be anyone, anyone can be the perpetrator. This is by remembering that in the Criminal Code system, only humans can be the subject of a criminal act (perpetrator), as stated by Mahrus Ali that, "the subject of a criminal act recognized by the Criminal Code is a human (natuurlijk persoon)". So, legal entities (rechts persoon) as well as corporations (legal entities or not) have not been recognized as subjects of criminal acts (perpetrators) in the Criminal Code.⁷
2. Taking. According to Wirjono Prodjodikoro, "the word taking (wegnemen) in the narrow sense is limited to moving the hands and fingers, holding the object, and moving it to another place." The definition of "taking" according to SR Sianturi is, "transferring actual control of an object into one's own actual control from the actual control of another person."⁸
3. Something that is wholly or partly owned by another person. SR Sianturi explains the term "something" as follows:

"What is meant by goods in this crime is essentially any movable object that has economic value. This definition is reasonable, because if there is no economic value, it is difficult to accept that someone would form the will to take something knowing that what they intend to take has no economic value."⁹

Law enforcement

Criminal law enforcement is one form of crime prevention effort. The use of criminal law as a tool for crime prevention is part of criminal policy. Efforts to combat crime through criminal law are carried out in order to achieve the ultimate goal of criminal policy itself, namely providing public protection to create order and prosperity.

Law enforcement in a country is highly dependent on the essential elements that make up the legal system itself. Lawrence M. Friedman, a legal sociologist, put forward a theory of law enforcement that emphasizes three main elements in a legal system: legal structure, legal substance, and legal culture. These three elements are interrelated and play a crucial role in determining the effectiveness of the legal structure. The legal structure refers to the institutions responsible for enforcing the law, such as the police, the prosecutor's office, the courts, and other institutions.¹⁰

Furthermore, Lawrence M. Friedman stated that the effectiveness and success of law enforcement depend on three elements of the legal system, namely:

1. Legal structure (structure of law)
2. Substance of the law
3. Legal culture

⁷Rony A. Walandouw, Unsur Melawan Hukum Yang Subjektif Dalam Tindak Pidana Pencurian Pasal 362 KUHP, *Jurnal Lex Crimenvol.* IX/No. 3, (2020), hal. 251

⁸S.R. Sianturi, *Tindak Pidana di KUHP Berikut Uraianannya.*, (Jakarta: Alumni AHM-PTHM, 1983), hal. 591

⁹*Ibid*, p. 591.

¹⁰Farid Nur Mustaqim, dkk, Penegakan Hukum Tindak Pidana Korupsi Di Indonesia Dari Perspektif Teori Lawrence *Jurnal Ilmiah Nusantara (JINU)*, Vol.2, No.2 Maret (2025), hlm. 155

The author explains the above opinion regarding the elements of law enforcement mentioned above below:¹¹

1. Legal structure

Regarding the legal structure, Friedman explains: "to begin with, the legal system has the structure of a legal system consisting of elements of this kind: the number and size of courts; their jurisdiction...Structure also means how the legislature is organized...what procedures the police department follows, and so on. Structure, in way, is a kind of cross section of the legal system...a kind of still photograph, with freezes the action."¹²

The legal structure is not only an institution but also concerns institutions which include organization, administration (procedures) and human resources of the apparatus. An institution is a body (institution) that runs a subsystem of the system (which has the authority to implement the law). An organization is a unit (structure and so on) consisting of parts (people and so on) in an association and so on for a specific purpose, administration is a way of managing (running). Human resources of the apparatus are people involved in running the system.

- a. Organizational structure is influenced by the form and size of an organization. The form and size of an organization will impact administrative processes and decision-making, as each administrative process or decision-making process passes through the various parts of the organizational structure.
- b. Governance is a work system implemented within an institution to run the system. Governance can be described as a standard operating procedure (SOP) that serves as a reference for carrying out administrative processes or making decisions.
- c. Human resources within the civil service are the people involved in running the system, both within and outside the structure. Human resources within the civil service are influenced by legal values for the civil service, and their attitudes toward the law influence their performance in administrative processes and decision-making.

Based on the description above, the legal structure concerns institutions including organizational aspects, administrative aspects, and human resource aspects of the apparatus within the system.

2. Legal Substance

Legal substance concerns applicable rules and norms that have binding force and serve as guidelines for law enforcement officials. Substance serves as a benchmark for implementation so that it is measurable and directed in achieving goals. Substance provides legal certainty in action. Rules or norms as *das sollen* are legal facts expressed by legal experts at the theoretical level (law in the books), namely law in the form of ideals of how things should be. Legal substance concerns the public's response to these rules and norms, how these rules/norms relate to the legal structure (legislative hierarchy), and the interests of law-making officials in these rules/norms.

3. Legal culture

Legal culture concerns people's attitudes toward the law and the legal system. People's attitudes toward the law encompass beliefs, values, ideas, and expectations. To better understand legal culture, consider statements about legal culture such as that Catholics tend to avoid divorce (because of their religion), that people living in slums distrust the police, that middle-class people file complaints with the government more often than wealthy people, or that the supreme court enjoys high prestige.

¹¹Teori Hukum Legal System Lawrence M Friedman-Beranda Hukum, diakses pada Minggu 28 September 2025 pukul 21:52 WIB

¹²*Ibid.*

Every society, every country, and every community has a legal culture. There are always varying attitudes and opinions about the law. This doesn't mean everyone shares the same ideas. One crucial branch of culture is insider legal culture.

Apart from the elements of law enforcement that the author has described above, citing the opinion Andi Hamzah, the term law enforcement is often misinterpreted as if it only deals with criminal law or repressive law. The term law enforcement here encompasses both repressive and preventive measures. So, it has more or less the same meaning as the Dutch term *rechtshandhaving*. Unlike the term law enforcement, which is now given a repressive meaning, the preventive one, which involves providing information, persuasion, and guidance, is called law compliance, meaning compliance with and regulation of the law. Therefore, it is more appropriate to use the term legal handling or persuasive legal control, and guidance is called law compliance, meaning compliance with and regulation of the law. Therefore, it is more appropriate to use the term legal handling or legal control.¹³

Based on the brief explanation that the author has outlined above regarding what is the crime of looting and further law enforcement, the author will go on to the main discussion regarding law enforcement regarding the occurrence of the crime of looting in the case of the looting of the residences of legislative members in Indonesia in the case of the 2025 August demonstration.

According to the author, the looting of legislative members' homes at that time was an anarchic act that could disrupt public safety. This action not only harmed the legislators whose homes were looted but also had broader repercussions for the community. The looting demonstrated weaknesses in our country's law enforcement system, particularly the police.

From a legal perspective, police work is nothing more than the application or enforcement of the law. Thus, the police serve as guardians of the legal status quo. This implies that police actions will not deviate from the set of requirements for law enforcement, such as its own legislation, doctrines, and principles commonly accepted in the world of criminal law. It's no wonder that the police are referred to as "servants of the law," "law enforcement officers," and so on.¹⁴

Therefore, law enforcement is a necessity for the state to protect its citizens, because crime is a pressing societal problem that must be addressed in order to achieve a harmonious, orderly and peaceful life as a manifestation of a peaceful society.

As previously explained, according to Lawrence M. Friedman's law enforcement theory, law enforcement will be effective if it meets the elements of legal structure, legal substance, and legal culture. Regarding the looting incident that occurred against members of the legislature, the author argues that law enforcement, specifically the police, has been ineffective in carrying out its duties and functions as one of the pillars of law enforcement in Indonesia.

Crime prevention efforts are part of criminal policy, and they are inseparable from broader social policies, which encompass social welfare and community protection efforts. Crime prevention efforts can be implemented in two ways: preventive and repressive. Preventive efforts are efforts to prevent crime from occurring, while repressive efforts are efforts to eradicate crime.

As mentioned in the introduction, it is known that the police have named 52 people as suspects and detained them for the looting of the houses belonging to members of the legislature, meaning that the law enforcement carried out by the police is carried out repressively, where the perpetrators of the criminal act of looting are processed after the looting has occurred. In the event of rumors of or during the looting, the police should have

¹³Andi Hamzah, *Asas-asas Penting dalam Hukum Acara Pidana*, (Surabaya: FH Universitas, 2005), hlm. 2

¹⁴Mahrus Ali, *Sistem Peradilan Pidana Progresif; Alternatif Dalam Penegakan Hukum Pidana*, *Jurnal Hukum*, No.2 Vol. 14 April 2007, hal. 219

taken preventive measures by securing the scene of the crime so as to minimize damage and greater losses.

In handling the demonstrations in August 2025, the police should have guarded a number of points and around the houses of legislative members who had been targeted for destruction and looting so that it would not spread further and could provide legal protection to the legislature. The legislature is also part of society that needs to be protected by law because Indonesia is a country of law where all are protected by law.

CONCLUSION

Law enforcement in a country is highly dependent on the important elements that form the legal system itself, as Lawrence M. Friedman argues, that law enforcement emphasizes the existence of three main elements in a legal system: legal structure, legal substance, and legal culture. Law enforcement carried out by the police is carried out repressively where the perpetrators of the crime of looting are processed after the looting has occurred. In the event of issues that will occur or when looting occurs, the police should have made preventive efforts by securing the scene of the crime so as to minimize damage and greater losses.

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