



## REVICTIMIZATION IN CASES OF MOTOR VEHICLE THEFT

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**Abstract:** A crime committed against a person who then experiences the same crime on the same object is called revictimization or double victimization. Revictimization or double victimization occurred in the Mataram City area, NTB around 2016 and 2018 where the victim with the initials YIM experienced the loss of a motor vehicle twice and repeated on the same motorcycle, the first theft in 2016 and the second theft in 2018. The incident is not an ordinary event that should be ignored. The incident is then deemed necessary to be studied more deeply and related to how a person's role in living his daily life so that the person can become a victim of crime repeatedly on the same crime object.

This research is a type of empirical legal research using a descriptive qualitative approach with a case approach carried out by first reading and analyzing literature on legislation related to the legal issues under study. This research serves to see the extent of the victim's role in revictimization of motor vehicle theft, in writing it is necessary to know how the victim's role in living his daily life so that he can become a victim of crime repeatedly on the same crime object. The results of this study conclude that victims of crime as Participating victims, namely someone who unconsciously commits negligent acts or acts that easily make themselves a victim.

**Keywords:** Crime, Revictimization, Victim.

## INTRODUCTION

Humans are creatures known as beings who cannot perfectly fulfill their desires to live their lives. This then makes humans want to do things that should not be done to fulfill their needs and desires, not only to maintain their lives but also to fulfill their desires. His actions include actions that harm other humans.

Acts committed in terms of harming others are then known as crimes. Where crime is defined in the Big Indonesian Dictionary (KBBI) (Tim Penyusun Kamus Pusat Bahasa, 2002) as an evil act that is contrary to the prevailing values and norms that have been authorized by written law. Crime is an act that is contrary to the interests of the law (Bambang, 1982). Crime if interpreted from the point of view of society according to A.S Alam (Koesnoesn, 1977) is any act that violates the norms that are still alive in society (Saleh, 2012).

In line with Margaretha's opinion, which explains that crime in general can be divided into several types including personal crime (the perpetrator and victim of the crime are the same), interpersonal (some perpetrators harm others), and community social crime (the effect of the perpetrator's crime harms the lives of many people in society) (Margaretha, 2023).

Crime is the result of human behavior arising from social dynamics, although society shows diverse variations in behavior, but has a similar pattern. Crimes in Indonesian positive law are regulated in the Criminal Code, one of which is crimes against property such as theft which is specifically regulated in the Criminal Code in Articles 362 to 367 (Mulyati, 2015). Theft is an act that is so troubling to society. Theft that is

rampant and so close to the community includes theft of motorized vehicles. These actions can occur anywhere and happen to anyone, and these actions may occur repeatedly to the same victims.

Over time, crime then becomes a social fact that arises in society as evidence of social changes that are certainly caused by society itself. Crime will always exist anywhere and anytime depending on the opportunity or gap that exists (Sahat, et.al, 2023). This is the result of interaction due to the interrelation between existing phenomena and mutual influence. In a broad sense, crime is also defined as actions that cause suffering and cannot be justified, and are considered evil (Gosita, 2014).

A crime, if understood as a whole, will not only discuss the actions committed by the perpetrator but also the role of the victim that allows a crime to occur. In the science of victimology, victims are referred to as victims where in a broad sense the meaning of victims is not only limited to individuals who suffer losses but also groups, corporations, private and government. In addition, victimology also pays attention to the consequences of victimization, which are the attitudes or actions and/or the perpetrators and those who are directly or indirectly involved in the occurrence of a crime (Sunarso, 2014).

A crime committed against a person who then experiences the same crime on the same object is also called revictimization or double victimization. Where revictimization or double victimization occurred in the Mataram City area, NTB around 2016 and 2018, where the victim with the initials YIM experienced the loss of a motor vehicle twice and repeatedly on the

same theft object, namely on the same motorcycle between the first theft in 2016 and the second theft in 2018.

This is not an ordinary event that should be ignored. The incident is then deemed necessary to be studied more deeply related to how a person's role (in this case the victim of the motorcycle theft mentioned above) in living his daily life so that this person can become a victim of crime repeatedly on the same crime object. Where crime occurs, of course, the victim has a functional role and the crime that occurs may be due to the role of the victim, which is not entirely the fault of the perpetrator.

This research also serves to see the extent of the victim's role in the crime of motor vehicle theft so that revictimization can occur, then with the results of this study, it is hoped that later many parties will care about living their lives by caring more about their lives and lives in terms of protecting personal property, because human life behavior is something that needs to be considered to avoid various crimes that may be lurking, in this paper the author feels the need to know how the role of the victim in living his daily life so that he can become a victim of crime repeatedly on the same crime object (revictimization) of motor vehicle theft. In addition, it is also hoped that the victim can participate in the community to prevent similar events from happening to him or others and become a valuable lesson for both the author himself and readers in terms of protecting themselves and their property.

## **MAIN PROBLEM**

The main problem that can be unraveled in this paper is related to how the role of victims in living their daily lives so that they can become victims of crime repeatedly on the same crime object (revictimization), namely in the event of motor vehicle theft. This paper will also examine the victim's behavior in living his daily life concerning protecting his property. In addition, it will also discuss the factors that influence the occurrence of a crime.

## **METHOD OF RESEARCH**

The type of research used in this research is empirical legal research which is legal research based on legal research that not only examines the norm system in laws and regulations but observes the reactions and interactions that occur when the norm system works or is applied in society as the object of study (Muhaimin, 2020). Then this research uses a qualitative approach that is descriptive with a case approach which is carried out by first reading and analyzing the literature on legislation related to the legal issues under study, namely the revictimization of motor vehicle theft.

## **RESEARCH RESULT AND DISCUSSION**

A victim is someone who has suffered a loss as a result of a crime and/or whose sense of justice has been directly disturbed as a result of his or her experience as a target of crime (Siswanto, 2015). Arief Gosita then defines victims as those who suffer physically and mentally as a result of the actions of others who seek the fulfillment of their own or other people's interests that are contrary to the interests of the human rights of the

injured party (Arief, 1993). Then Mahrus Ali defines victims as people or communities who suffer physical, emotional, or financial losses as a result of a crime (Amira, 2021). Furthermore, in Indonesian legislation, a victim is defined in Law Number 13 of 2006 concerning Witness and Victim Protection as someone who experiences physical, mental, and/or economic losses caused by a criminal offense.

A criminal offense is a strafbaarfeit or delict in Dutch. According to Simon, strafbaarfeit is behavior that is threatened with punishment, is against the law, and is related to mistakes made by people who are capable of being responsible (Chairul, 2008). Then Prof. Moeljatno chose to use the term criminal event because according to him the event is a concrete understanding that only refers to an event without seeing the actions of the person. Furthermore, he defines a criminal act as an act prohibited by a rule of law, in which prohibition is accompanied by a threat (sanction) in the form of certain punishment for those who violate the rule. Then it can also be said that a criminal act is an act that is prohibited by a rule of law and threatened with punishment, as long as it is remembered that the prohibition is aimed at the act while the punishment is aimed at the person who caused the incident (Moeljatno, 1987).

Theft is a criminal offense regulated in the Criminal Code in Article 362 to Article 367, where Article 362 explains that any person who takes property wholly or partially belonging to another person, with intent to unlawfully possess it, shall, being guilty of theft, be punished by a maximum imprisonment of five years or a

maximum fine of nine hundred rupiahs (KUHP, 2018). The perpetrator of the crime of theft will then be sanctioned if proven guilty of the crime. Meanwhile, victims have a functional role in the occurrence of crime (Imron, 2020).

Talking about victimization and revictimization will discuss newspapers where the victim in English is referred to as the victim. Furthermore, in the scientific field, the science that studies victims is called victimology, which etymologically comes from the word 'victima' which means victim, and 'logos' means science. Based on the meaning of the word, victimology is defined as the study of crime victims (Mahrus, 2021). Furthermore, the source of victimology studies is to look at the relationship between victims and perpetrators. Terminologically, victimology means a study of victims, the causes of victims, and the consequences of victims who are human problems as a social reality (Sunarso, 2014).

The study of victimology then discusses the role of the victim at the time of a criminal act, as well as the relationship between the victim and the perpetrator. Imron Rosyadi, et al, then described the victim's relationship with the perpetrator through a scheme in which victimology examines four scopes of study including the victim and their restitution, victimization, victim and society, and victim-offender relationship (Imron, 2020). Furthermore, it is explained that victimization is a process of an individual becoming a victim, which is a relationship of victim interaction before the crime begins, when the crime occurs and the impact caused by a crime, and from this process the victim's role in the crime itself can then be known (Kurt, 1973).

### **Classification Of Victims**

According to Indah, victims are people both individually and collectively, who suffer losses due to acts that violate the criminal law in force in a country, including regulations that violate the abuse of power. In addition, victims also include people who are victims of acts that, although not yet a violation of internationally recognized human rights norms (Indah, 2014).

The classification of various types of victims in the development of victimology can also be considered based on the victim's involvement in the crime. Victims are then divided into five aspects, including the following (Imron, 2020):

1. Non-participating victims, who refuse to commit crimes and become perpetrators, but also do not participate in crime prevention.
2. Latent or predisposed victims, i.e. They have a different personality than others, making them more likely to be victimized.
3. Provocative victims are those who intentionally cause a crime or act as a trigger for a crime.
4. Participating victims, i.e. A person who unknowingly commits negligent acts or acts that easily make themselves a victim.
5. False victims, those who victimize themselves

Furthermore, according to Hentig, victims can be classified based on their type, where crime can arise as a result of the victim's contribution caused by the victim's personality. The types in question are as follows (Jamaludin, 1987):

1. The apathetic and lazy type;

2. The surrender type;
3. Cooperative type; and
4. Provocative type.

### **The Role of Victims In Crime**

The occurrence of crime cannot be separated from the role of the victim, including theft. The act of theft cannot be committed without the role of the victim, namely without the victim providing an opportunity for the perpetrator to commit the act. Being a victim of a crime committed by someone causes suffering and losses that must be faced. The role of the victim in a theft crime can occur consciously or unconsciously, and the victim can provide an opportunity for someone to commit the crime.

The role of the victim, according to Gosita, has consequences and influences for himself and the victim and his party, other parties, and the environment. Between the victim and the perpetrator, there is a functional relationship, even in the occurrence of a crime, of course, the victim is said to be responsible (Gosita, 2014). Victims can play an active or passive role, consciously or indirectly, be individually or jointly responsible or not, with positive or negative motives. Everything depends on the situation and circumstances at the time of the crime. Depending on the situation and conditions of the victim, the perpetrator may commit a crime against the victim. The victim may not take action, may not be willing to be victimized, or may not be ready to be victimized. The circumstances and situations that exist in it are what encourage and encourage other parties to commit a criminal offense (Gosita, 2014). If there is no victim then there is no crime. In this case, the role of the victim has consequences and impacts not only on the victim but

also on other parties and the environment. There is a functional relationship between victims and perpetrators, and victims are also responsible for certain crimes (Yulia, 2013).

Therefore, the responsibility for this situation can be shared between the perpetrator and the victim. As is the case that has occurred and is the background of this writing, namely an incident that occurred in the Mataram City area, NTB around 2016 and 2018 where the victim with the initials YIM experienced the loss of a motorized vehicle twice and repeatedly on the same theft object, namely on the same motorcycle between the first theft in 2016 and the second theft in 2018. Based on the results of the interview with the perpetrator, it is known that after the first theft incident occurred in 2016, the victim managed to identify and track down the motorized vehicle that had been lost and was able to redeem and recover the stolen vehicle. Based on the victim's confession, the theft incident had also been reported to the authorities but there was no follow-up as expected. The rest, the victim consciously admitted that the attempt to redeem the stolen vehicle which was then reused by the victim was a possibility for the vehicle to be stolen again. The interview results also managed to reveal the reason for the victim's opinion because the victim also realized the possibility of duplicating the vehicle key and the location of the vehicle which was often parked was known by the perpetrator. The results of the interview then concluded that it was the victim's negligence that encouraged the perpetrator to steal or resist, making it easier for the perpetrator to commit the crime.

As victims, they can act as active or passive participants in crime. Directly or indirectly, the victim's role is influenced by certain circumstances. When a crime occurs, there is a functional relationship between the victim and the offender, and in some cases, the victim is also responsible. As the cases described above show, without the role of the victim, a crime would not be possible. As the first party, the victim plays an important role even after the crime has occurred.

### **Factors In The Occurrence of Crime**

There are several factors behind the occurrence of a crime, first, there is intention and opportunity (Alif, 2016). The intention here is an internal factor that comes from the perpetrator. Opportunity, on the other hand, is an external factor or a factor provided by the victim. The possibility here is to take advantage of the victim's internal factors, such as negligence, to create a gap that allows the perpetrator to commit a crime (Imron, 2020). The act of creating a gap here can be interpreted as an attitude or behavior, and the victim's condition triggers the crime. Because crimes occur, because there is a purpose because there is a motive that supports crime, and because there is no vigilance/negligence.

Based on the description of the case above, it can be seen that the cause of revictimization or the occurrence of repetition of criminal acts on the same object and victim is not only entirely the fault of the perpetrator, but there is also the role of the victim who allows

the crime to occur again even against him. This is due to his negligence, which has succeeded in regaining his property but was not anticipated by proper guarding or supervision because this is what causes the perpetrator to easily re-launch his evil intentions to commit an act of theft. Following routine activity theory, where theory does not only see crime from the side of the perpetrator but is seen from the side of the victim and the environment around him (Rhondy), which includes categorizing crime victims as Participating victims, namely someone who unconsciously commits negligent actions or actions that easily make him a victim. Routine activity theory was first coined by Marcus Felson, whose point in this theory is that it depends on the opportunities available. If a target is not protected enough, and if the reward is valuable enough, then crime will occur. This theory also states that criminality is normal and depends on the opportunities available. This theory states that three elements can affect the ease of crime, including motivated offenders, the existence of a feasible target, and the absence of security (P. Lap, 1992).

According to Lawrence and Marcus, in terms of theft, several things can be used as reasons for the birth of a criminal act, including (Lawrence, 1979) First, there is an appropriate target. That is, the victim may be one of the suitable people or may have been targeted by criminals and may have been targeted by criminals for a long time. As in the case above, a motorcycle that has been successfully redeemed by the victim, and the victim

did not try his best to protect the motorcycle, it is natural that the motorcycle then becomes a target to be stolen again because it could be that the thief has duplicated the motorcycle key that he had stolen before and it could also be that the perpetrator has known where the victim usually keeps the motorcycle.

Second, the perpetrator is motivated. This means that the perpetrator is motivated to want to own a motorcycle like the victim's, which may be financially, the perpetrator does not have the economic sufficiency to buy a motorcycle like the one owned by the victim, so the perpetrator wants to own the motorcycle even if he has to use unlawful means. And third, the absence of security. Inadequate security on the part of the victim can be caused by negligence or perhaps because the security itself is inadequate or not tight. This may have been stalked by the perpetrator and a criminal act was committed.

Routine Activity Theory assumes that anyone can commit a crime if given the opportunity. This theory also states that a victim has the right to choose whether or not to become a victim by not putting themselves in situations that allow crime to occur. The good thing about this theory is that not only can police presence prevent crime, but community involvement can also help prevent street crime (Rhondy).

## CONCLUSION

A victim is someone who has suffered a loss as a result of a crime and/or whose sense of justice has been directly impaired as a result of their experience as a target of crime. Victims can act as active or passive participants in crime. From the results of the description of the case above and analyzing it using routine activity theory, which categorizes crime victims as Participating victims, namely someone who unconsciously commits negligent acts or acts that easily make himself a victim, then the conclusion that can be drawn from the description above is that crime victims have a big role in the occurrence of a crime, in this case, the crime of theft of motor vehicles where revictimization has occurred against the victim or the victim has become a second-time victim of the same crime object.

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