

# Community Rejection That Causes Destruction of Assets of Hydroelectric Power Plant Development Companies

Derlius<sup>a,\*</sup>, Wiwie Heryani<sup>b</sup>, Audyna Mayasari Muin<sup>b</sup>

<sup>a</sup> Universitas Hasanuddin, Makassar, Indonesia.

<sup>b</sup> Universitas Hasanuddin, Makassar, Indonesia.

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## Abstract

This study aims to determine the factors causing the crime of destruction of company assets owned by PT. SEKO POWER PRIMA related to the hydropower development plan in Seko sub-district and to find out the efforts that can be taken by the authorities in dealing with the crime of destroying company assets belonging to PT. PRIMA POWER SEKO. This research was conducted in North Luwu Regency, especially North Luwu Police Station and Seko District. The research method used in data collection is through field research and library research. Based on the results of the study indicate that (1) the factors causing the crime of destruction of company assets owned by PT. Seko Power Prima related to the hydropower development plan in Seko District generally due to several factors, namely the fear of losing cultural sites, provocation factors, lack of security factors, fear of population relocation, economic and educational factors and coercion of will (2) Countermeasures carried out by the authorities law enforcement is a repressive effort as well as a pre-emptive effort.

**Keywords: Community Rejection; Destruction of Company Assets.**

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## 1. Introduction

The existence or availability of electricity will greatly affect people's lives. Almost all sectors of community activity are currently affected or heavily dependent on the availability of electricity. In Indonesia, people's economic activities are increasing and triggering demand and the need for electricity. However, the increasing need for electrical power has not been supported by an appropriate increase in power. Indonesia is a country that has the potential for natural resources and the potential for energy resources that are very abundant. Indonesia as a country with a large water area, should be able to take full advantage of the existing potential. One of the uses of energy sources from water flow is the manufacture of hydroelectric power plants or hydropower plants. Hydroelectric Power Plants or what is usually abbreviated as hydropower plants are power plants that utilize water by converting it from potential energy and kinetic energy of water. Hydroelectric power plants (PLTA) work by converting potential energy into mechanical energy and from mechanical energy converted into electrical energy. Conventional hydroelectric power plants by means of draining water from the dam to the turbine after which the water is discharged. At peak loads the water in the lower reservoir will be pumped into the upper reservoir so that the reserves in the main reservoir remain stable. Hydroelectric power plants (PLTA) work by converting potential energy (from dams or waterfalls) into mechanical energy (with water turbines) and from mechanical energy into electrical energy (with the help of generators).

Hydropower according to the Regulation of the Minister of Industry of the Republic of Indonesia Number: 54 / M-IND / PER / 3/2012 concerning Guidelines for the Use of Domestic Products for Employment Infrastructure Development is a plant that transforms potential energy into energy that has a speed known as kinetic energy of water so as to produce electrical energy. Hydropower as a power plant that relies on water potential has advantages over other power plants. The advantages of hydropower are as follows:

1. The hydropower response can adjust to the load needed and the response is fast. Hydropower is very suitable for use in peak type where this type is for large peak load conditions and is used in times of network disruption. This power plant is an environmentally friendly energy, free from carbon emissions, and does not cause

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\* Corresponding author  
E-mail address: [derlius@unhas.ac.id](mailto:derlius@unhas.ac.id)

pollution that results in the greenhouse effect. This power plant has less emission gas than other power plants. The output capacity produced from hydroelectric power plants is greater than that of other power plants. The existing technology in Indonesia is also able to be mastered well for hydropower. Hydropower has a fairly long life of about 50-100 years.

2. Hydropower can be a water tourism destination. Dams used for hydropower can also be used as well as for tourism and educational facilities. The tourism potential of the reservoir can be utilized by the community to generate economic benefits. The existence of hydropower is able to open jobs for the surrounding community so as to improve the community's economy.
3. The water collected in the dam can be used for other purposes besides for power generation, namely for irrigation and water reserves. As a source of irrigation, the water contained in the dam can be used for agriculture, both rice fields and fields around the dam area.
4. As a water reserve, the water stored in the dam can be used by the community when the dry season arrives, where there is a drought in springs and wells. The water in the dam can solve the problem of water shortages in the dry season.

On the other hand, the use of hydropower also has disadvantages compared to other power plants. The disadvantages of hydropower are as follows:

1. This power plant requires considerable investment.
2. The land used is large enough for a power center with a large electricity capacity.
3. With the creation of a water dam for hydropower, it can cause the ecosystem of the river or lake in that place to be disturbed.

In Indonesia, there are several areas experiencing electricity crisis, one of which is in the South Sulawesi region, especially in the interior. As happened in Seko Subdistrict, North Luwu Regency. Seeing this condition, the company PT. Seko Power Prima plans to build a hydropower plant in Seko District. The construction of hydropower plants was welcomed by many people, but it was different from what happened in Seko District, North Luwu Regency. The Seko community rejects the construction of hydropower plants. Because they did not agree with the construction of the hydropower plant, the Seko community hindered the construction of the hydropower plant by damaging several assets owned by the PT. Seko Power Prima. The rejection of the Seko indigenous people over the planned construction of hydroelectric power plants (PLTA) in their indigenous peoples' territories, invited many comments and opinions from various community groups. The objectives of this research are: to analyze the factors causing crimes against the destruction of PT. Seko Power Prima in Seko District. To analyze the efforts to combat crime pursued by law enforcement officials against the destruction of PT. Seko Power Prima in Seko District.

These three elements must be met in law enforcement. Because without a law that can be enforced in society, there is no social control over the pattern of public behavior. However, from the elements mentioned above in law enforcement, there are also several methods / factors that exist in it including the law / regulation method itself, officers / law enforcement, facilities, the community. However, for the functioning of a legal method in society depends largely on the harmonious relationship between the four factors above. The crime of destruction and destruction of objects, Article 406 of the Penal Code to 412 of the Penal Code, regulates crimes that contain elements of damage or behavior that contain such a nature towards an object. Destruction and destruction of objects in the main form, regulated in Article 406 of the Criminal Code which is formulated as follows:

1. Whoever intentionally and, against the right to destroy, damage, make so that it can no longer be used or remove an item that is altogether or partly the property of another person, shall be punished with imprisonment for a period of two years and eight months or a fine of up to Rp. 4,500.00
2. Such punishment is imposed also on persons who intentionally and unlawfully resist the right to kill, damage, make so that they can no longer be used or remove animals, which are altogether or as belonging to others.

Where in this case destroying what is meant is to destroy or damage altogether, for example slamming a glass, cup, flower holder, so that it crumbles. While damaging is less than destroying for example hitting glasses, plates, cups and

so on but not until it is destroyed, but only breaks a little or cracks or breaks the handle. Making it unusable means that the action must be such that the item cannot be repaired again. While eliminating is making so that the item no longer exists. For example, it is burned to the ground or thrown away so that it is lost. The main difference between the provisions in paragraph 1 and paragraph 2 of Article 406 of the Criminal Code, namely regarding its object. In paragraph 1 of Article 406 of the Criminal Code, the object is not an animal, while in paragraph 2 of Article 406 of the Criminal Code it is against an animal object.

Regarding the elements of the intermediate act contained in the first paragraph and the second paragraph of Article 406 of the Criminal Code, the only difference is in the act of destroying in the first paragraph and which is not in the 2nd paragraph of Article 406 of the Criminal Code. On the contrary, paragraph 2 of Article 406 of the Criminal Code includes the act of killing, which is not in paragraph 1 of Article 406 of the Criminal Code. This is natural because the object of the crime in paragraph 2 of Article 406 of the Criminal Code is an animal, against which no destructive act can be committed. The act of killing is for the object of the animal, because the animal has life. Destructive deeds and destructive deeds both cause damage. The difference is from the angle due to the damage alone. Damage to objects caused by destructive acts, only hits part of the object, and therefore *masi* can be repaired. But the destruction caused by the act of destruction is so severe, that it cannot be repaired anymore. The act of making it unusable may also result in the destruction of an object. But the destruction of this thing is not intended by the accuser, but rather that it can no longer be used as intended for the thing to be made. Thus the result of this deed can also be undamaged an object, but it can no longer be used. Unusable and damaged have different meanings. The act of omitting is doing an act against an object, so that the thing no longer exists. For example, a watch is thrown/thrown into a river. Indeed, the watch remains, that is, it is in the river, but it has escaped power and even the view of a person or person closer to this sense is no longer known. Such an understanding can be seen in an arrest Hoge Raad (4-4-1921) which states that "omitting must be interpreted broadly, including taking. Items do not need to be lost or can no longer be found".

Based on this broad understanding, eliminating is already in the act of throwing an object on the road, which is then taken away by the other person who finds it. The discovery of the object by another *otrang*, does not mean that the act of removing has not/has not happened, because in reality the act of throwing as a form of removing has arisen and is finished with the release of the object from its power. About this object of evil, it is slightly different from the object that is the object of theft, fraud, or embezzlement. Which is defined only against moving objects and tangible objects. Objects intended in the crimes of Article 406 have a broader meaning, including fixed objects. The subjective elements of vandalism consist of intentionality and unlawfulness, on the face of which it is sufficiently spoken of these elements, but in relation to other elements, it is not wrong to mention them again. Intentionality here is placed by preceding many elements, intentionality must be aimed at all the elements behind it. Connected with the elements of the deed that exists in this crime, such as damaging, destroying, it means that the act wants to realize the destructive or destructive act, he is aware and even wants the consequences that will arise.

The will of consciousness, or the knowledge of this act must have existed before (at least at the time of initiation) of doing the deed. So it is with other elements. The element of unlawfulness, there is also behind the intentionality which means that against the law must be addressed by the existence of intentional action. This means that before committing an act such as destroying, he has the awareness that doing the act of damaging another object's property is contrary to the law. Contrary to the law must be interpreted broadly not only by written law or law, but in opposition to what the community wants. Contrary to what is desired means that the deed must not be done. The problem is, with the inclusion of words and (en) between intentional and unlawful (as is the case with embezzlement). The issue is, should intentionality also be directed at the unlawful element? Remembering the word "and" from a grammatical point of view serves as a link between the word before and the after, and not one includes the other. On this issue two opinions arose. The first opinion says that although there is the word "and" there, but also the element of intentionality is aimed at the element of being against the law. The existence of the word and there is only used as a prevalence in the grammar (Dutch) "and" has no special meaning. This opinion was supported by Simons. On the contrary, Hoge Raad argued otherwise as in his arrest (21-12-1914) which stated that if in the Law the word *opzettelijk en wederrechtelijk* (intentional and unlawful) is used strictly, then the *opzettelijk* need not also be directed at the element of *wederrechtelijk*. It seems that in this case Hoge Raad adheres to an objective unlawful opinion, this is in accordance with the opinion of Moeljatno who said that the unlawful nature of the act in Article 406 lies in that the object belongs to another person and does not get permission from the owner to do so.

The Crime of Destruction and Destruction of Light Objects. This special form of criminal act is called the destruction and destruction of light objects, located in the factor of loss caused by the crime of not more than Rp. 250.00. The formulation is contained in Article 407 of the Criminal Code:

1. The acts formulated in Article 406 of the Criminal Code, if the price of loss is not more than Rp. 250.00, are threatened with imprisonment for a maximum of 3 months or a fine of Rp. 900.00.
2. If the acts described in Article 406 of the Penal Code of the second paragraph are carried out by including burdens that damage life or health or, if animals are included in article 101, then the provisions of the first paragraph do not apply.

Because of the special form, the form of the occurrence of the crime of damaging light objects, must first be fulfilled all the elements in Article 406 of the Criminal Code as the main form, then add a special element, namely the value of losses due to the act is not more than Rp. 250.00. Especially for animal objects, elements must also be fulfilled:

1. The acts contained in paragraph 2 of Article 406 of the Criminal Code without including materials that damage life or health, or
2. The object of the animal is not in the form of livestock as specified in Article 101 of the Criminal Code.

Among the many objects in Article 408 of the Criminal Code only against electrical building objects there is an official statement in the Criminal Code, which is contained in Article 101 of the Criminal Code bis paragraph 1, which is formulated as follows: so-called electrical buildings are buildings that are used to generate, flow, convert or hand over electric power, as well as installing tools, supporting equipment, and warning devices. In the second paragraph of Article 101 of the Criminal Code states that buildings - telegraph buildings, telephones, excluding electrical buildings. Destruction Due to Negligence of K.A Buildings; The intended criminal act is as stipulated in Article 409 of the Criminal Code which is formulated as follows:

"Whoever because of his negligence causes the building in the article above to be destroyed, damaged or made unusable is threatened with imprisonment for a maximum of 1 month, or a maximum fine of Rp 1,500.00". From the existence of an element due to negligence, it shows that this criminal act is a criminal act of culpa, meaning that the element of guilt is not due to intentionality, but because of the lack of caution that causes damage, destruction of an object. The objects and objects of crime of Article 409 of the Criminal Code are the same as the objects of crime under Article 408 of the Criminal Code, as well as the nature of the objects is the same as being used for the public interest. What is meant by negligence is not explained in the statute. This sense is sought in the doctrine and practice of law. The negligence of the enforcer in this case can lie in several ways, namely:

1. It can lie in the absence of any thought at all that the deeds he does will or may result from the damage, destruction, or inability to use of an object. But it turned out that the consequences arose. In this case the fault of the petindak lies in not thinking at all about the possibility of occurrence due to damage, destruction and insurrence of an object (in this case the building of the fire kerta and so on)
2. It can also lie in: previously doing an act against an object was in his thinking that the result would not happen, but rather his mind was mistaken because the consequences arose. In this case the fault of the act lies in the error in thinking.

Before further discussing the rejection of the community that causes the destruction of assets of hydropower development companies (a criminological review) in Seko District, we must first know what a crime is, a crime is an act or behavior that is contrary to applicable values or norms and has been passed by a written law. A destruction of property is a form of crime. The destruction of an object itself is to make an item unusable or evils that contain destructive elements or practices that contain such a nature towards an object. The factors that cause crime are classified into two parts, the first is personal or individual factors, including biological factors (age, gender, mental state and others), the second is psychological factors that include aggressiveness, carelessness, and alienation. The second is situational factors, such as conflict situations, place and time factors. \Efforts to combat crime can be classified into three parts, namely pre-empirif, namely the initial efforts made by the police to prevent the occurrence of a criminal act.namely by instilling good values or norms so that these norms are internalized in a person, preventive that is still a follow-up to pre-empirive which is still a prevention effort before a crime occurs. In this effort, it emphasizes

eliminating the opportunity to commit a crime, and repressive is that this effort is carried out when a criminal act or crime has occurred whose actions are in the form of law enforcement by imposing penalties.

The operational definition is how to explain a variable to be researched. The cause of a crime is what is the factor in the occurrence of a criminal act or crime; The provocation factor is a factor that originates from the influence of a person who incites to commit a criminal act; Dissatisfaction factors are certain factors where the community is dissatisfied with the explanation from the government or feels that aspirations are ignored; The educational factor is a factor of a person's level of knowledge in performing an action; Crime prevention is an effort made to prevent the occurrence of a crime and provide protection to the community; Pre-emptive is an initial effort made to prevent the occurrence of a crime where this effort emphasizes more on eliminating the intention of committing a crime; Preventive is a follow-up to a pre-emptive that is still in the prevention stage before a crime occurs, but the difference is that preventive emphasizes more on eliminating the opportunity to commit a crime; Mediation is an effort to resolve conflicts by involving neutral third parties who do not have authority

## 2. Method

This research uses a normative type of legal research using legislative, conceptual and historical approaches. The source of legal materials used is primary legal material that is authoritative, namely laws and regulations and decisions of the Constitutional Court of the Republic of Indonesia related to consistency and synchronization of regulations regarding business use rights after the enactment of the Job Creation Law. And secondary legal materials that are non-authoritative are books that have relevance to land law, especially in the aspects of land law regarding business use rights after the enactment of the Job Creation Law, which researchers will use to answer the formulation of problems in this study. Furthermore, data or legal materials related to the problem discussed will be presented, systematized, then analyzed to interpret the applicable law. Its types of analysis can be used qualitative and quantitative analysis

## 3. Result and Discussion

### *Case Position*

The rejection of the Seko Tengah community in Tanamakaleang, Hoyane, and Embona tana villages, which are also Pohoneang and Hoyane customary areas, has been going on since 2012. The Pohoneang Indigenous Community area has an indigenous area of 4,413.44 Ha with a population of 410 households consisting of 890 men and 927 women, and the Hoyane Indigenous Community area has an area of 18,970.57 Ha with a population of 169 households consisting of 390 men and 437 women. Community protests and expulsions and hostage-taking of PT. Seko Power Prima at the location that carried out work without the permission of the Seko Tengah indigenous people began to surface in 2014. The rejection of the Seko indigenous people is based on Regional Regulation No. 12 of 2004 concerning Community Protection, which is strengthened by a decree issued by the Regent of North Luwu No. 300 of 2004 concerning the Recognition of Seko Indigenous Peoples. One of the points is: Every grant of permits for the use of natural resources in the territory of the Seko indigenous people must be with the approval of the Seko indigenous people (point a article 10). Construction of Hydroelectric Power Plant (PLTA) PT. Seko belongs to PT. Seko Power Prima, in Seko Subdistrict, North Luwu district continues to be implemented which is considered by some people to be a major disaster for thousands of inland communities in the area. The reason is, so far, residents still refuse to be in a location that their ancestors have passed down since decades ago. Seko Power Prima obtained a letter of extension of the principle permit from the North Luwu regional government since June 23, 2014 and ended on June 23, 2015, then began drilling activities around May 2016 while the hydropower location permit was issued on June 9, 2016. Since its inception by conducting land sampling surveys in the customary territories of the Pohoneang and Hoyane indigenous communities, most indigenous peoples in the two communities have rejected plans to build hydropower plants in their customary territories.

On August 18, 2016 at around 11.00 WITA and at 14.00 WITA located at the drilling of drill point 303 and drill point 201 in the Ratte area of Tanamakaleang Village, Seko District, North Luwu Regency, the community who rejected the hydropower development plan carried out a demonstration, in this action the community was considered to have committed a criminal act of destroying the assets of the owned company. PT. Seko Power Prima Started before the actions described above were carried out by the defendants along with other communities, there have been several meetings or meetings at Andri Kario's house to discuss the action of expulsion of workers from PT. Seko Power Prima, namely on Monday, August 10, 2016 at around 19.00 WITA which resulted in the first agreement to carry out the

expulsion action on August 15, 2016 but did not become due to the implementation of the Indonesian diversity celebration activities in Seko Padang, so it was postponed on Thursday, August 18, 2016 at around 08.00 wita by first gathering in the courtyard of the defendant's house, The second agreement is that those who participate in the meeting act directly to call and inform other residents to carry out the expulsion action, and the third agreement is that all the results that have been taken from the customary land, such as samples must be taken and returned to their origin.

Before carrying out the expulsion and vandalism, Andri reminded other residents to be responsible for informing and conveying to their friends, to gather the masses according to the results of the meeting decision. Arriving at the location at that time the workers from PT. Seko Power Prima was doing routine work at the drilling site in the framework of the planned construction of the hydroelectric power plant (PLTA) project, then when the workers saw the arrival of the defendants and together with a crowd of about 200 people carrying several machetes made the workers from PT. Seko Pauer Prima was afraid and fled, then Andri together with the defendants and several mobs came to one of the company's parties, namely MISTAM WIJAYA as the coordinator of the survey, at that time the defendants together with a mob of about 200 people, carried out expulsions by forcing PT employees. Seko Power Prima to stop work and leave the drilling site, so because they were afraid of some PT. Seko Power Prima left the venue.

Then the defendants along with the rest of the mob immediately forcibly dismantled the tents where the PT workers lived. Seko Power Prima which is made of tarpaulin and wood and cuts nylon rope and raffia rope that binds the tarp using several paraang. In addition, the mob using machetes opened also damaged the tarpaulin, then the mob also damaged the beds of the workers made of bamboo by being pulled out using their bare hands, besides that the defendants together with other residents took the box containing the core (drilling samples from rock and soil) and immediately threw it away. Then the defendants together with the other mob on foot about 10 km to the location of the Poyahaang basecamp of Tanamakaleang Village, Seko District, North Luwu Regency, when they arrived at the location the defendants together with the mob immediately got angry and shouted several times "burn the house, drive away" at that time the defendants together with the mob drove away the PT workers. SEKO POWER PRIMA , and forcibly told the workers to stop work and leave the work site, then the mob took a box containing the core under the house or basecamp, where the box was forcibly opened using bare hands, after opening, the round core with a size of 50 cm was thrown away by scattering it on the ground besides that something was thrown behind the basecamp. As a result of the actions of the defendants, the tents and cores belonged to PT. Seko Power Prima was damaged and could no longer be used so that PT. Seko Power Prima suffered a material loss of approximately Rp. 5,000,000,000,- (five billion rupiah).

#### *Factors Causing the Crime of Destruction of Company Assets Owned by PT. Seko Power Prima*

There are several factors that are the cause of the crime of destroying the assets of a company owned by PT. Seko Power Prima in the seko kecamata of North Luwu Regency is as follows:

- a) The fear factor of loss of cultural sites. From the results of research conducted by the author at the North Luwu Police Station and in Seko District, one of the factors causing the crime of destroying company assets owned by PT. Seko Power Prima in Seko Subdistrict is the assumption or opinion of the local community that when the construction of hydropower in Seko District, North Luwu Regency, occurs, the cultural sites in Seko District will disappear over time. Because according to Dominggus, one of the defendants, the construction of hydropower has great potential to erode or eliminate existing cultural sites, in fact, he also said that with the existence of hydropower by the incoming company, it will affect the order of life in the local community. All habits in the community will change slowly and it is considered an act that is contrary to the customs that exist in the area. Dominggus also said that coexistence with the company cannot happen, because learning from the experience of coexistence with the company that comes from outside will have a negative impact on the order or habits of life in the indigenous people in Seko District. This is the case as in the theory of cultural deviance by A.S. Nature. This theory views that crime arises because of differences in social forces in society. Cultural deviance views crime as typical values in the lower class. Adjustment to the lower class value system that determines behavior in slum areas will create a clash with the laws of society. Culture conflict theory provides a more specific explanation that each society has rules that regulate their own behavior (conduct norms), and on the one hand these rules are contrary to the rules of behavior of other groups. So there was a clash between the groups.

- b) Provocation Factor. From the results of the interview with Aspar, one of the perpetrators of criminal acts, the author found that there were certain parties or individuals who provoked the community who said that the hydropower development plan in Seko District was the beginning of the plan to open mines in Seko District. PLTA PT. Seko Power Prima will invest to build a hydropower plant with a capacity of 480 MW as stated in the RUPTL document. PLTA PT. Seko Power Prima is one of the hydropower plants in South Sulawesi Province located in North Luwu Regency, Seko District which is included in the 35,000 MW Plant Procurement Program based on PT. Seko Power Prima's Power Supply Business Plan (RUPTL). PLN Persero 2015-2024. Regulation of the Minister of Energy and Mineral Resources No. 19 of 2015 article 3 paragraph (1) explains that "With this Regulation of the Minister, the Minister assigns PT. PLN (Persero) to purchase electricity from hydropower with a capacity of up to 10 MW (ten megawatts) from business entities as referred to in article 2 that already have IUPTL". This means that, the PT. PLN can only buy electricity from hydropower with a maximum of 10 MW. Meanwhile, PLTA PT. Seko Power Prima invested 480 MW. The question is, what does 470 MW want to be used for and for what purpose? Of course, to supply electricity for investment plans for the development of mining companies that have obtained exploration permits in three districts, namely Seko, Rongkong and Rampi Districts. From data from the Mining Service, Mining Companies have received IUP since 2011 with a total area of 237,984 Ha, namely: PT. Aneka Tambang (emas); PT. Seko Bukit Mas (iron ore); PT. Sapta Cipta Kencana Wisma (iron ore); PT. Prima Cakrawala (iron ore) mainstay; PT. Trisakti Panca Sakti (iron ore); PT. Mineral Hammer Image (base metal); PT. Kalla Arebamma (iron ore); PT. Kalla Arebamma (gold); PT. Mighty Seko Plain (iron ore); PT. Samudra Raya Prima (iron ore)
- c) Factor in the lack of alerted security personnel. Social control theory bases the question of why a person obeys the rules that apply in the midst of the rampant crimes that occur in society. On this question, social control views that evil will arise when the social controller i.e. a set of rules weakens or even disappears in society. For this reason, special ways are needed to regulate the behavior of society and lead to obedience to the rules of society. The French sociologist, Emile Durkheim, explained "normlessness, lessens social control" which means the easing of social supervision and control which has an effect on moral deterioration that makes it difficult for individuals to adjust to changes in norms, and there are often conflicts of norms in associations. According to Emile Durkheim, individual behavior is not only influenced by the individual himself, but also influenced by other groups or social organizations. As happened in Seko Subdistrict according to Andry Kario, one of the factors that caused the crime of destroying the company's assets was due to the lack of even security forces being alerted, where it was known that before the crime occurred, there had been resistance from the community, but when the company conducted a survey, the security personnel who were alerted were not enough or even there was no way to overcome the rampage of the masses Many of these mobs are free to commit crimes, namely damaging company assets. There were 2 points that were the target of the mob's rampage because there were no officials or security forces alerted to a place that was considered likely to be the target of a mob rampage.

According to Dominggus, the construction of PT. Seko Power Prima is considered to threaten the sustainability of the lives of the Seko indigenous people, most of the Seko indigenous people work as farmers who depend on the results of natural resource management. In addition, the construction of hydropower plants will also threaten around 25 ha of productive rice fields that will be flooded due to the construction of the hydropower plant. So according to the results of the interview that the author conducted, the hydropower builder had an impact on the survival of the Seko community because the Seko community depends on their lives by farming and gardening, the thinking of residents with the existence of the hydropower plant, the productive land of the Seko community will be destroyed so that their search source will be lost.

#### *Speculation Factors for Population Relocation*

In addition to fear or loss of cultural sites according to Jani Salong One of the defendants' other factors that influenced the community to carry out the construction of hydropower plants and carry out the expulsion and use of company assets was that the community did not accept any speculation that the community would be relocated or relocated. This causes people to feel that there is no justice for them. According to Cohen's anomie theory it is referred to as Lower Class Reaction Theory. This theory explains that delinquency arises from the reaction of the lower classes to the values of the middle class that are perceived by lower-class adolescents as injustice and must be resisted.

#### *Will-Coercion Factors*

Robert Merton's theory sees that crime arises because of differences in structure in society (social structure). Basically, all individuals have legal awareness and obey the applicable law, but under certain conditions (there is great pressure), it allows the individual to commit a crime. A considerable desire to increase socially (social mobility) leads to deviations, due to the limiting social structure to achieve those goals. As for the results of the interview that the author conducted with Marda Magau, one of the defendants said that the company imposed their will to build a hydropower plant in Seko District. This ignited the emotions of the residents because they felt that there was great pressure so that they carried out demonstrations to vandalize and expulsion of workers from the company. The community has refused several times but the company on the basis of the district government's permission continues to conduct surveys.

#### *Educational Factors*

Other factors that could be the cause of the crime of destroying company assets related to the hydropower development plan in Seko District: first, Educational factors, The author considers the educational factor to be one of the perpetrators of the crime of destroying company assets owned by PT Power Prima because in the results of the interview that the author conducted with Sarlong, one of the accused perpetrators of the crime was mostly committed by youth or the community who did not continue the study is of a higher level so that the people in Seko are easily doctored or provoked by certain parties so as to commit crimes. According to Sarlong, the level of education in Seko masi sub-district is very poor, the average community in Seko District, especially Hoyane Village and Tanamakaleang Village, only completes their education at the elementary and junior high school levels.

#### *Countermeasures Taken by Law Enforcement Officers*

In handling criminal cases of destruction of company assets owned by PT. SEKO POWER PRIMA that occurred in Seko sub-district related to the plan to build a hydropower plant in Seko District, the local government and security forces made several efforts to overcome crime there were several efforts taken by law enforcement officials in handling cases of destruction of company assets related to the hydropower development plan, including repressive, pre-emptive, preventive, and holding mediation for the parties concerned.

Pre-Emptive. The Pre-Emptive Efforts referred to here are the initial efforts made by the government and the police to prevent criminal acts from occurring. The efforts made in tackling crime pre-emptively are to instill good values / norms so that these norms are internalized in a person. Even if there is an opportunity to commit an offense or a crime but there is no intention to do so, there will be no crime. So in a pre-emptive effort the intention factor becomes lost despite the opportunity. This method of prevention comes from the NKK theory, namely intention plus the opportunity for crime to occur. From the results of an interview with Joni Pasulle (Sekcam Seko) in the framework of the hydropower development plan in Seko District, both the government and the police have carried out socialization to the community, according to Joni Pasulle, the district government has several times held socialization to the existing community related to the hydropower development plan and also and also the government has supervised activities related to the hydropower development plan in the District Seko.

- a. Preventive. These preventive efforts are a follow-up to Pre-Emptive efforts that are still in the state of prevention before the occurrence of crime. In a preventive effort what is emphasized is to eliminate the opportunity for crimes to be committed. From the results of an interview with the Kaurbin Ops of the IPTU Civic Office, Diarang Idris In this case, the north Luwu police officers have made this effort by preparing security at various points that are considered vulnerable to crimes related to the construction of hydropower plants in Seko District. Several Police officers have been arrested in several places deemed to have the potential for criminal prosecution. The security is also assigned to oversee every activity carried out by the company in the hydropower development plan in Seko District, North Luwu Regency. However, at the time



- of the crime, it coincided with the celebration of August 17, 2016, which was held in Padang Balua Village, Seko District, so that the police officers who were alerted were reduced at that time.
- b. Repressive. This effort is carried out when there has been a criminal act / crime whose actions are in the form of law enforcement by imposing penalties. For example, the north Luwu police arrested several perpetrators or masterminds of crimes related to the destruction of company assets related to the planned construction of a hydropower plant in Seko District. There were 13 perpetrators arrested by security forces who were considered masterminds or mob movers in committing crimes of destroying the assets of companies owned by PT. SEKO POWER PRIMA. According to Mr. Kaurbin Ops Reskrim IPTU Diarang Idris when an interview was conducted by the author, the number of suspected perpetrators of the crime of destroying company assets related to the construction of hydropower plants in Seko District is 13 people, all of whom have received permanent legal force. The defendants were sentenced to 9 (nine) months' imprisonment each by the Makassar High Court.
  - c. Mediation. Conflict control efforts involving third parties as advisors in conflict resolution are called Third-party mediation, often in the presence of mediators who act as advisors or intermediaries between the two parties to the conflict, who do not have the authority to make decisions that help the parties to the dispute and reach a settlement accepted by both parties mediators as third parties, His position is in the middle and neutral one of the roles of the mediator is to find a number of agreements to satisfy both parties involved in the conflict. In an interview with Topel (Head of Tanamakaleang Village) the district government and the local Village government have held mediation, by bringing together the two parties, namely the local traditional shop and the Company. The mediation, which was facilitated by the government, was held in Padang Balua Village, Seko District, so that many traditional leaders and community leaders did not participate in the activity. According to Dominggus, one of the defendants, the mediation held was ineffective because only a few traditional leaders attended.

#### 4. Conclusion

After describing in the previous chapters about the crime of destruction of company assets related to the hydropower development plan in Seko District, north Luwu regency, about the factors causing the crime of destroying company assets and countermeasures, the author draws a conclusion as follows: Factors causing the occurrence of crimes of destruction of company assets owned by PT. Seko Power Prima has several factors, namely: fear of loss of cultural sites, speculation of mine opening in Seko District, factors of lack of security personnel being alerted, factors of environmental security and loss of food sources, speculation factors of population relocation, economic and educational factors. The countermeasures carried out by law enforcement officials are efforts to: Pre-emptive where before the survey was conducted by the company, the police conducted legal socialization and also supervised the stage of the hydropower development plan in Seko District, North Luwu Regency. Preventive where law enforcement has conducted strict supervision but according to the author this effort was carried out very late, because the police held strict supervision after the conflict. Repressive where the north luwu police arrested several perpetrators or masterminds of crimes related to the planned construction of a hydropower plant in Seko District. The author provides some suggestions related to the criminal case of destruction of company assets owned by PT. Seko Power Prima in Seko Subdistrict, namely: Law enforcement and local governments should socialize to the entire community about the importance of hydropower construction, because from the results of the interviews that the author conducted, the local government conducted socialization but only invited community shops, and it did not reach the local community. So that the government conducts mediation in a timely manner, so that the two parties can meet or sit together to discuss how the hydropower development plan in Seko District can run smoothly and be accepted by the community so that no party is harmed because from the results of the research that the author conducted, there is no third party as a mediator in the case.

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