



Criminological Construction of Motives and Goals of Perpetrators of Criminal Acts of Detention from the Perspective of Modern Realism Theory

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Abstract

This research stems from the academic problem of the limitations of the normative-dogmatic approach in criminal law, which tends to reduce the analysis of the crime of detention to merely fulfilling the elements of the crime, without elaborating on the perpetrator's motives and goals as complex social constructs. In fact, the dynamics of unlawful deprivation of liberty cannot be separated from power relations, opportunity structures, and individual rationality within a specific social context. This research aims to construct the motives and goals of perpetrators of the crime of detention through a synthesis of criminal law and modern realist criminological perspectives, specifically within the framework of Left Realism and Right Realism. The method used is library research with a normative-conceptual approach and theoretical analysis, through a systematic review of international criminal law and criminology literature. The results indicate that the perpetrator's motives reflect structural pressures and social dynamics, while the goals reflect a rational orientation in exploiting criminal opportunities. This theoretical synthesis produces a new construction model that expands the analysis of subjective elements in criminal law and provides academic and practical implications for the development of criminal policies that are more contextual, preventative, and responsive to the root causes of social problems.

Keywords: Crime of Detention, Motives and Goals, Modern Realism Theory

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INTRODUCTION

The crime of unlawful detention (false imprisonment) is a form of crime against individual freedom which conceptually touches on the core of human rights, namely personal freedom and protection against the deprivation of freedom without legal basis.(Sari, 2021). In the modern criminal law system, personal liberty is seen as a fundamental right that cannot be reduced except under valid legal procedures.(Adrianus Herman Henok, 2023)Therefore, any form of detention carried out by an individual or group without legal authority is not only a normative violation, but also reflects the dynamics of power relations and social control in society.

Juridically, the construction of the criminal act of detention is generally formulated through objective elements in the form of deprivation of another person's liberty, as well as subjective elements in the form of intent (mens rea).(Hashemi, Khaleghi, and Asghari, 2025)However, a dogmatic approach to criminal law often limits the analysis to the fulfillment of the elements of the crime alone, without elaborating in depth on the motives and goals of the perpetrator as a more complex social construct.(Annakulov, 2025). In fact, in contemporary criminological studies, motives are not merely interpreted as an individual's psychological background, but as a product of the interaction between individuals, social structures, and the distribution of power.(Koeigl, and Farrington 2021).

In the development of criminological theory, there has been a shift from a positivistic approach that emphasizes biological or psychological determinism, to an approach that places greater emphasis on rationality, social context, and structural relations. (Peterie, Jackson, and Neil 2026) This shift is clearly visible in the birth of the modern realism approach in criminology, particularly through the ideas of Left Realism and Right Realism. (Mulyadi et al. 2008). Both approaches, despite their different ideological orientations, both emphasize that crime is a concrete social reality that must be understood through the interaction between the perpetrator, the victim, and the surrounding social structure.

Left realism, as developed by Jock Young and his colleagues, views crime as a consequence of marginalization, social inequality, and the failure of institutions to meet expectations of distributive justice. (Matthews, 2016) From this perspective, the perpetrator's motives cannot be separated from the experience of relative deprivation and structural pressures. In contrast, right realism emphasizes individual rationality, conscious choice, and cost-benefit calculations in committing crimes. (Abuanzeh 2022). Thus, motives and goals are understood as part of a rational strategy in exploiting criminal opportunities.

International literature shows that the realist approach makes a significant contribution in explaining the relationship between social structure and criminal acts. (Matthews, 2016) In his study of realist criminology, he emphasized that crime analysis must simultaneously integrate empirical, structural, and public policy dimensions. He emphasized the importance of understanding crime as an expression of social tensions in modern societies experiencing fragmentation and exclusion. (Breetzke, 2025) This approach is relevant for reconstructing the understanding of the motives and goals of perpetrators of criminal acts of detention.

Despite this, academic discussions regarding the crime of detention are still dominated by a normative-dogmatic approach that emphasizes the fulfillment of the objective and subjective elements of the crime. Analysis generally stops at proving the deprivation of liberty and the perpetrator's intent, without elaborating on motives and goals as more complex social constructs. This approach does provide legal certainty, but tends to ignore the dynamics of power relations, structural pressures, and social rationalities that shape the perpetrator's actions.

In some literature discussing criminology, discussions regarding the motives and rationality of perpetrators of crime have developed significantly. Zabyelina (2023) discusses the concepts of economic crime and organized crime, as well as the main features of both, and speculates on the floating boundaries of economic criminology. Lord and Levi (2023) examines the logic of economic criminology (which is seen as a single discipline) and assesses the value that criminology can add to the analysis of related behavior. Endriansyah and Rahayu (2025) explores the criminogenic factors that influence inmates convicted of child protection crimes at Class IIB State Penitentiary (Rutan) in Pacitan.

In the context of criminal acts of detention, research Hamja (2024) on the implementation of pre-trial detention policies in Indonesia and their impact on increasing overcrowding in prison facilities. Andrade (2025) examines the profiles of individuals awaiting trial in Portugal, examining their socio-demographic, clinical and criminal backgrounds to explain the factors influencing pre-trial detention decisions. Louis (2023) also highlights the sentence of pre-trial detention. Ginting et al. (2024) highlighting that the act of detaining someone unlawfully often does not stand as a spontaneous act, but is related to motives of power, coercion, revenge, or certain economic interests. Southern Land, (2021) revealed that in some cases, illegal detention may be related to vigilantism practices or the takeover of state functions by non-state actors. This phenomenon shows that the perpetrators' motives and goals are intertwined with opportunity structures, weak social control, and distrust of the formal legal system.

While this literature enriches the analysis of perpetrators' motives and rationality in general, there is a gap when specifically linking the crime of detention from a criminal law perspective. Previous studies have focused more on conventional crimes such as theft, street violence, or economic crimes, while crimes against personal liberty have not been analyzed in depth through a synthesis of criminal law and modern realism theory. Therefore, there is no theoretical construction that systematically integrates the elements of the crime of detention with Left Realism and Right Realism approaches.

Another gap lies The relatively rigid separation between criminal law and criminology. Criminal law studies tend to emphasize normative certainty and formal accountability, while criminology focuses more on the social causes of crime without directly linking them to specific

criminal structures. Consequently, analysis of perpetrators' motives and goals in the context of custodial offenses has not achieved an adequate synthesis of the normative and social dimensions. This gap indicates the need for an integrative approach capable of bridging the two disciplines.

The urgency of this research is further strengthened by examining social practices where illegal detention often occurs in the context of interpersonal conflict, economic disputes, or vigilantism. This phenomenon demonstrates that perpetrators' motives and goals are not solely individual, but rather rooted in social relations and perceptions of the effectiveness of legal institutions. Without a more comprehensive understanding of these dimensions, criminal law responses risk becoming merely repressive and failing to address the root causes.

Based on this context and gap, this research aims to analyze the criminological construction of the motives and goals of perpetrators of criminal detention through a synthesis of criminal law and modern realism. The primary goal is to develop a conceptual framework capable of broadening understanding of the subjective elements of the crime, by incorporating the dimensions of rationality, opportunity structure, and power relations as integral parts of the analysis.

Furthermore, this research also contributes to the development of criminal policy by demonstrating that perpetrators' motives and goals need to be understood contextually to generate proportionate and preventative legal responses. This approach goes beyond formal analyses of intent and opens up space for the integration of social policy into strategies to address crimes against personal liberty.

Thus, this background confirms that the crime of detention cannot be adequately understood as a stand-alone violation of norms, but rather as a complex social phenomenon. By sharpening research gaps and integrating modern realist theory into criminal law analysis, this study seeks to make a significant conceptual contribution to the study of criminal law and criminology, while also offering a foundation for developing criminal policies that are more responsive to contemporary social realities.

METHOD

This research is a normative-conceptual library research with a theoretical-analytical orientation. The focus of the study is not directed at collecting field data, but rather on the exploration, evaluation, and synthesis of scientific literature relevant to the construction of motives and goals of perpetrators of criminal acts of detention from a criminological perspective. The approach used is multidisciplinary, namely integrating criminal law analysis with modern realist criminological theory, specifically the Left Realism and Right Realism frameworks. Data sources consist of primary legal materials (statutory regulations and criminal law doctrine), as well as secondary materials in the form of books, reputable international journal articles, and scientific works discussing modern realism theory, criminal motives, and criminal responsibility. All sources were selected based on their conceptual relevance and academic authority.

The analytical techniques used are conceptual analysis, comparative theoretical analysis, and argumentative-critical analysis. Conceptual analysis is conducted to clarify the understanding of motive, purpose, and the element of intent in criminal law, and to distinguish them from criminological constructs. Comparative analysis is used to examine the differences and common ground between the normative-dogmatic approach and the modern realist perspective in explaining the perpetrator's rationality. Furthermore, through argumentative-critical analysis, this study constructs a theoretical synthesis aimed at reconstructing a more comprehensive understanding of the crime of detention, taking into account the structural, social, and individual rationality dimensions. This approach allows for the development of an analytical framework that not only explains the elements of the offense formally but also reveals the social dynamics underlying the crime.

RESULTS AND DISCUSSION

Criminal Acts of Detention from a Criminal Law Perspective

1. Concept of Criminal Detention

The crime of detention from a criminal law perspective is part of a crime against a person's freedom, which is fundamentally related to the protection of the right to personal freedom. (Ella Wahyu Lestari, et al. 2016) In the modern criminal law system, individual freedom is positioned as a legal interest (*rechtsgoed*) that must be protected from all forms of

unlawful deprivation.(Fadhilah, et al. 2018)Therefore, any act of detaining, confining, or restricting a person's movement without legal authority is classified as an unlawful act that is punishable by law. The crime of detention is not only understood as a physical act, but also as a violation of basic rights guaranteed by the legal system.(Claire et al. 2023).

Conceptually, the legal definition of the crime of detention refers to an act that intentionally deprives another person of their liberty without rights or against the law.(Anzhari, et al. 2024). The formulation of this offense generally requires active action in the form of detention, confinement, or restriction of the victim's freedom of movement, as well as the absence of legal legitimacy for this action. The element "without rights" or "unlawful" is the main marker that differentiates between lawful detention (for example by law enforcement officers based on criminal procedures) and criminal detention.(Louis Tappangan, 2019). Here, criminal law places the protection of individual freedom as a normative priority.

From a criminal construction perspective, the crime of detention consists of objective and subjective elements. The objective element (*actus reus*) encompasses the concrete act of deprivation of liberty, the existence of the victim as the subject whose liberty is deprived, and the causal relationship between the perpetrator's actions and the loss of liberty.(Joseph Tzu-Shuo Liu, 2020)This element is factual and can be proven through evidence that shows physical or psychological limitations on the victim. Thus, the objective aspect emphasizes the external manifestation of the criminal act.(Hauch, Elklit, and Louison 2025).

The subjective element relates to the perpetrator's mental state, particularly intent (*mens rea*). In this context, criminal law requires that the perpetrator know and intend the deprivation of liberty to occur. Intention can take the form of *dolus directus* (intention as a goal), *dolus indirectus* (intention as a certainty), or *dolus eventualis* (intention as a conscious possibility).(Mousavi and Ghayoomzadeh 2020)This subjective element is the foundation of criminal responsibility, because without a deliberate mental attitude, the act cannot be qualified as a criminal act of detention, unless the law determines otherwise.

Within the framework of criminal responsibility, the perpetrator's motive and purpose have a different position from the element of intent. Intention (*dolus*) is an integral part of the subjective element that must be proven to ensure guilt (*schuld*), while motive is often viewed as a psychological background that does not always determine whether the elements of a crime are met.(Campesi 2020)In other words, a person can be convicted of a criminal offense without needing to prove a specific motive, as long as the elements of intent and the act are met. However, motive remains relevant in the context of sentencing, as it can influence the judge's consideration of the degree of culpability and the severity of the sanction.

It is important to emphasize the difference between motive and intention to avoid conceptual reduction. Intention refers to the conscious desire to commit a prohibited act, while motive refers to the reasons that drive the perpetrator to commit the act, such as revenge, economic gain, or the desire for power.(Stevenson and Mayson 2022)In classical criminal law, motive is not an essential element of a crime, except in certain crimes that require a specific purpose (e.g., with a specific intent). Therefore, in the crime of detention, the primary focus remains on proving the deliberate and unlawful deprivation of liberty.

However, limiting the analysis to solely objective and subjective elements demonstrates the limitations of the normative-dogmatic approach in explaining the complexity of criminal behavior. Criminal acts of detention do not always arise from the will of an isolated individual, but can be influenced by social dynamics, power relations, and broader opportunity structures. Thus, while the construction of criminal law has provided a systematic framework for definitions, elements, and accountability, a more comprehensive understanding still requires further elaboration on the dimensions of motive and purpose as part of the social reality underlying the act.

2. Motives and Goals in the Theory of Criminal Responsibility

In the theory of criminal responsibility, motive and purpose are two concepts that are often juxtaposed but have different conceptual positions. Criminal responsibility is essentially based on the principle of fault (*geen straf zonder schuld*), which requires a connection between the unlawful act and the perpetrator's mental state.(Segev 2025). Within this framework, the essential element is intent or negligence as a form of wrongdoing, while motive is not always a constitutive element of the crime. Thus, criminal law places more

emphasis on the presence or absence of intent (*dolus*) than on the reasons why that intent arose.

The distinction between motive and intention (*mens rea*) is important for clarifying its theoretical construction. Intention refers to the perpetrator's conscious will to commit a prohibited act or at least to accept the consequences of that act.(Maculan and Gil 2020). Meanwhile, motive is an internal drive or psychological background that explains why the perpetrator has such a desire, such as economic motives, revenge, ideological, or power.(Poltava et al. 2020)In other words, intention is directly related to error as an element of responsibility, while motive is related to the perpetrator's rationalization or subjective justification.

In criminal law practice, motive is generally not necessary to prove someone guilty, unless the law explicitly requires a specific purpose as part of the elements of the offense. In most crimes, including the crime of detention, the burden of proof is focused on fulfilling the elements of the act and intent.(Kembaren and Yusuf 2025)However, motive remains legally relevant in sentencing, as it can be an aggravating or mitigating factor. For example, a detention motivated by extortion or torture may be considered more severe than one motivated by spontaneous, unplanned action.

Purpose holds a slightly different position than motive, as in certain crimes, purpose is part of the subjective element formulation that must be proven. Purpose indicates the concrete direction the perpetrator intended to achieve through their actions, thus more closely aligning with the concept of intent as intention (*dolus directus*). Purpose not only explains the psychological background but also becomes an intentional element inherent in the structure of the crime. Purpose analysis can help explain the degree of culpability and the intensity of the perpetrator's intention in committing the crime.

Although doctrinally, motive is placed outside the essential elements of a crime, developments in modern criminal law demonstrate the need not to completely ignore the motive dimension in the analysis of responsibility. Reducing motive solely to a non-essential factor has the potential to oversimplify the complexity of criminal behavior and ignore the underlying social dimensions.(Fridawati et al. 2024). Therefore, a more comprehensive understanding of criminal acts, including the crime of detention, requires openness to analysis that not only assesses the presence or absence of formal errors, but also considers motives and goals as part of the perpetrator's rational configuration.

Criminological Construction of the Motives and Goals of the Perpetrators of Criminal Acts of Detention

The criminological construction of the motives and aims of perpetrators of criminal acts of detention demands a shift from normative reading to an analysis that places the perpetrator in his social context.(King and Hajj 2023). Illegal detention cannot be reduced to a mere violation of the elements of the crime of deprivation of liberty, but must be understood as an act arising from the configuration of power relations, opportunity structures, and the dynamics of social control. Within this framework, motives and goals are not merely individual psychological aspects, but part of the social process that shapes the perpetrator's rationality.(Breetzke, 2025).

From a Left Realist perspective, perpetrators' motives are often related to conditions of marginalization, social inequality, and experiences of relative deprivation. Unlawful detention can emerge as an expression of frustration with structural injustice or as a form of "alternative justice" when formal institutions are perceived to have failed to perform their functions.(Zabarniy et al. 2023)In certain contexts, these actions can even be a manifestation of vigilantism, where individuals or groups take over the role of the state in punishing or controlling others. The motive is understood to be a response to social pressure and an unequal distribution of power.

Meanwhile, the Right Realism approach offers a different emphasis by viewing the perpetrator as a rational actor who calculates profit and loss.(Raekstad 2020). The motives for illegal detention can be rooted in instrumental interests, such as extortion, debt collection, intimidation, or certain economic interests.(Winlow 2016)The perpetrator's rationality lies in the consideration that restricting the victim's freedom is an effective means to achieve the desired goal, so that the goal is not merely an abstract background, but becomes a concrete orientation that guides criminal actions.(Berg and Schreck 2022).

In social practice, the motive of power also plays a significant role. Illegal detention is often used as a tool of domination, whether in personal relationships, family conflicts, business disputes,

or group dynamics.(Hussain and Idrees 2025). This act becomes a symbol of control over another person's body and freedom. Criminological analysis shows that unequal power relations create conditions in which perpetrators feel they have moral or social legitimacy to restrict the victim's freedom, even without legal basis.(Barker and Smith 2021)This symbolic dimension shows that the perpetrator's goals are not only material, but also related to affirmation of status and authority.

In addition to individual factors, the opportunity structure also shapes the likelihood of criminal acts of detention. Weak social oversight, low risk of sanctions, or limited access to legal protection by victims can encourage perpetrators to act.(Ndruru et al. 2025)In this context, motives and goals operate within a space that allows crime to occur with a perceived high probability of success. This means that criminological construction must examine the interaction between the perpetrator's will and the objective conditions that create opportunities.(Onwuadimu 2025).

The relational dimension between perpetrator and victim cannot be ignored. Modern realism emphasizes the importance of understanding the "crime triangle" involving perpetrator, victim, and state.(Christophers, Lee, and Rooney 2023). In criminal acts of detention, personal relationships, such as conflict, dependency, or inequality, are often the main triggers.(Prabowo, Wijaya, and Sangalang 2025). Motives of revenge, jealousy, or emotional distress can transform into acts of restraint when there are no effective conflict resolution mechanisms.(Gultom 2022). Therefore, the actor's goals must be analyzed within the framework of social interaction, not merely as isolated individual decisions.

The realist criminology perspective also opens up space to see how the failure of formal institutions contributes to the emergence of certain motives.(Stadnicki, Corsini, and Szulkin 2024)When law enforcement officials are perceived as slow or unresponsive, some individuals may choose coercive measures to resolve the issue.(Mohammad and Faruqe 2021)In such situations, illegal detention becomes a pragmatic instrument for imposing one's will. This construction suggests that the perpetrator's goals are not always purely criminal in their subjective perception, but can be perceived as a solution to structural powerlessness.(Gottschalk 2025).

The synthesis of the dimensions of motive, purpose, social structure, and individual rationality yields a more comprehensive understanding of the crime of detention. Criminological analysis does not deny the element of culpability in criminal law, but rather broadens the horizon of interpretation of the factors that shape such acts.(Wilkinson et al. 2022). Motives are understood as products of social interactions and structural pressures, whereas goals reflect rational orientations directed toward specific outcomes.(Kirkwood 2023)With this construction, the crime of detention can be read as a complex social phenomenon, thus opening up space for a more preventative approach to criminal policy based on the roots of social problems.

Theoretical Reconstruction: A Synthesis of Criminal Law and Modern Realism

1. Limitations of the Dogmatic Approach

The dogmatic approach in criminal law is basically oriented towards normative analysis of the formulation of crimes, the structure of elements, and the construction of criminal responsibility.(Pol, Roche, and Jur 2020). The main focus lies on whether an act fulfills the objective and subjective elements as formulated in the law(Norrie 2025). In the context of criminal acts of detention, this approach emphasizes proving the existence of unlawful deprivation of liberty and the perpetrator's intent.(Adrian et al. 2025)This textual and systematic orientation does provide legal certainty, but at the same time tends to limit the scope of analysis to formal aspects alone.

The first limitation of the dogmatic approach lies in the reduction of motives to mere structurally irrelevant psychological backgrounds.(Derby 1985)In classical criminal law, motive is not considered an essential element of a crime, unless explicitly formulated as a specific purpose. As a result, analysis of the social, economic, or relational reasons that drive perpetrators to commit illegal detention is often marginalized.(Skolnick 2012). In fact, in social reality, motives can reflect the dynamics of power imbalances, interpersonal conflicts, and the failure of formal institutions that contribute to the emergence of these actions.(An and Ma 2026).

In addition, the dogmatic approach tends to separate criminal acts from the social context that surrounds them. Criminal acts are treated as isolated individual events, rather

than as part of a broader social structure.(Feng et al. 2025). Consequently, criminal law only functions as a reactive mechanism that punishes after an event occurs, without touching on the causal factors behind it.(Art 2021). In cases of illegal detention, this approach is insufficient to explain why the perpetrator chooses to restrict another person's freedom as a means to achieve a particular goal.

Another aspect that demonstrates the limitations of the dogmatic approach is its tendency to understand intent in an abstract and formal way. Intention is considered sufficient when the perpetrator knows and intends their actions, without needing to explore the social rationality behind that choice. This approach ignores the dimensions of calculation, structural pressures, or perceptions of legitimacy that may influence the perpetrator's actions. As a result, criminal law risks simplifying the complexity of criminal rationality into a mere matter of individual will.(Yanto et al. 2024).

It is at this point that the need for theoretical reconstruction becomes relevant. The limitations of a dogmatic approach do not negate the importance of legal certainty, but rather emphasize the need for integration with a more contextual criminological perspective. By opening up the analysis of motives as social constructs and goals as expressions of rationality within opportunity structures, a synthesis between criminal law and modern realism can provide a more comprehensive understanding. This reconstruction allows criminal law to function not only as a repressive instrument but also as part of a criminal policy that is responsive to the roots of social problems.

2. New Construction Model

The new construction model proposed in the synthesis of criminal law and modern realism stems from the need to broaden the analytical horizon of crimes, without neglecting their normative foundations. Criminal law maintains the structure of objective and subjective elements as prerequisites for accountability, but its understanding is enriched with a criminological dimension that places motives and goals within a social context.(Ndruru et al. 2025). Within this framework, the crime of detention is not only understood as a violation of norms, but also as a social phenomenon that arises from the interaction between individuals, opportunity structures, and power relations.

The first framework in this model is the integration of motives as analytically relevant criminological variables. Motives are no longer positioned merely as private psychological backgrounds, but rather as reflections of broader structural pressures, relational conflicts, or instrumental interests.(King and Hajj 2023)With this approach, analysis of the crime of detention can uncover dimensions such as social marginalization, imbalances in authority, or the failure of conflict resolution mechanisms. This integration allows for a deeper understanding of why deprivation of liberty is chosen as a means to achieve certain goals.

The second step in this new construction is the emphasis on social context in interpreting elements of intention and purpose. Intention is no longer understood merely as an abstract will, but as a rational choice formed within a specific social space.(Adrian et al. 2025). The perspective of modern realism, particularly through the framework of Left Realism and Right Realism, helps explain that criminal acts are the result of the interaction between individual rationality and social structures.(Abbas and Madura 2025). Thus, the perpetrator's goal in carrying out illegal detention can be analyzed as an instrumental orientation shaped by opportunities, risks, and perceptions of the effectiveness of social control.

The next dimension is the development of an interdisciplinary analytical approach. This model does not position criminal law and criminology as separate disciplines, but rather as two complementary perspectives. Criminal law provides a normative framework for defining the boundaries of prohibited acts, while criminology provides an understanding of the causal factors and social dynamics.(Asa et al. 2025). In the context of criminal acts of detention, this approach allows for analysis that not only examines the fulfillment of the elements of the crime, but also identifies the social patterns that facilitate the occurrence of such acts.

The consequences of this new construction model are evident in the more preventative and structural orientation of criminal policy. If motives and goals are understood as part of the social configuration, the legal response cannot simply stop at punishing the perpetrator. Interventions that address the root of the problem are needed, such as strengthening formal social control, increasing access to justice, and improving dispute resolution

mechanisms.(Sutton et al. 2022)In this way, criminal law functions not only as a reactive instrument, but also as part of a comprehensive crime control strategy.

This new construction model produces a theoretical synthesis that balances legal certainty with social sensitivity. The structure of the offense is maintained to ensure legality and human rights protection, but the analysis is expanded to include the dimensions of motive, purpose, and social context as significant variables. Through this synthesis, the crime of detention is understood not simply as a violation of norms, but as a complex social phenomenon, thus opening up space for the formulation of legal policies that are fairer, more rational, and based on empirical reality.

3. Academic and Practical Implications

The academic implications of the synthesis between criminal law and modern realism lie in broadening the epistemological horizon in criminal law studies. Until now, criminal law studies have tended to focus on normative-dogmatic analysis that places the text of the law as the center of attention. Through the integration of a realist criminological perspective, criminal law studies are encouraged to be more open to interdisciplinary approaches, particularly in interpreting the motives and goals of perpetrators as social constructs. This shift enriches the methodology and theoretical framework in legal research, so that it does not stop at the certainty of norms but also reaches the empirical reality that underlies them.(Yip et al. 2024).

Another academic contribution is the emergence of a more comprehensive analytical model for the subjective elements of criminal acts. While previously intent was formally understood as a conscious intention to commit a prohibited act, the synthetic approach allows for a deeper exploration of the rationality and opportunity structures that shape that intention.(Yasin et al. 2025). In the context of criminal acts of detention, this means that the analysis not only assesses the fulfillment of the mens rea element, but also examines how power relations, social conflicts, or economic pressures influence the perpetrator's goal orientation.

This theoretical dimension also encourages the development of a more contextual discourse on legal criminology. Integration with the frameworks of Left Realism and Right Realism allows for a balanced reading of structural determination and individual rationality.(Matthews 2016). Thus, the study of criminal detention is no longer positioned as an analysis of individual cases alone, but as part of a broader social dynamic. This approach strengthens the argument that criminal law and criminology cannot be separated dichotomously.

The first implication is evident in the law enforcement process. Law enforcement officers can gain a deeper understanding of the perpetrator's background and goals, allowing the case handling process to focus not only on formal evidence but also on the social context.(Breetzke 2025)This understanding can influence investigative and prosecution strategies, as well as judges' considerations in handing down decisions, particularly in assessing the level of culpability and proportionality of the crime.

This approach is relevant to the formulation of criminal policy. If the perpetrator's motives and goals are understood as part of the social configuration, then the state's response cannot simply stop at punishment. Preventive policies can be directed at strengthening formal social control, increasing access to justice, and improving conflict resolution mechanisms.(Skolnick 2012)In the context of criminal detention, preventive measures can include legal education, community mediation, and strengthening institutions capable of reducing vigilantism tendencies.

Another practical implication concerns criminal law reform. This synthesis opens up space for updated crime formulations and sentencing guidelines that are more sensitive to the dimensions of motive and purpose. Although motive is not always an element of a crime, recognizing its significance in criminological analysis can encourage the development of guidelines that are more responsive to variations in social contexts. This has the potential to increase the legitimacy of the criminal justice system in the eyes of the public.

The academic and practical implications of this new construction lead to a paradigm shift in criminal law from a purely repressive approach to a reflective and preventive one. The study of criminal detention is no longer understood narrowly as a matter of norm violation, but rather as a social phenomenon that demands a multidimensional response. By integrating legal certainty and social sensitivity, this synthesis provides a foundation for the development of

criminal law theory and practice that is more adaptive to the complex realities of modern society.

DISCUSSION

The main findings of this study indicate that the crime of detention cannot be adequately understood solely through a dogmatic approach to criminal law that focuses solely on the formulation of the offense and the element of intent. The analysis reveals that the practice of abuse of detention is rooted in a combination of normative and criminological factors, namely the existence of power relations, institutional rationalization, a repressive culture in law enforcement, and pragmatic motives of officials such as process efficiency, structural pressures, and an orientation towards administrative certainty. Thus, the subjective element in the crime of detention not only represents individual intent but also reflects the social and organizational constructions that shape how officials understand and use their authority. These findings demonstrate that the line between the exercise of legitimate authority and abuse of power is often blurred when not analyzed within a framework broader than just the legal text.

The following findings emphasize the need for a synthetic model between criminal law and modern criminological realism to explain and reconstruct the understanding of the crime of detention. This study successfully demonstrates that the integration of normative analysis and a socio-structural approach can fill the gaps that exist in the literature, particularly in explaining the perpetrators' motives and goals more comprehensively. The new construction model offered provides a conceptual framework that not only answers why abuse of detention occurs but also how the legal system can respond to it in a more accountable and human rights-based manner. Thus, the main contribution of this study lies in formulating an interdisciplinary approach that broadens the scope of criminal law analysis while enriching criminological discourse in the context of abuse of detention authority.

Article written by (Asa et al. 2025), This study aims to examine the role of legal philosophy in the development of legal science and legal theory, as well as how various schools of legal philosophy, including Natural Law, Utilitarianism, Historical School, Sociological Jurisprudence, Legal Realism, Critical Legal Studies (CLS), Feminist Legal Theory (FLT), Responsive Law, and Progressive Law, shape the worldview of judges in issuing criminal decisions. The results of the study indicate that legal philosophy plays a central role in testing validity, methodology, and truth in legal science. Meanwhile, research conducted by (Annakulov, Azamat, 2025). This article examines the theoretical, legal, and practical aspects of hostage-taking crimes. This study also evaluates current national laws and international legal standards regarding hostage-taking, comparing their implementation and effectiveness.

Furthermore, research (Ginting, et al., 2024). This study aims to understand the settlement of cases outside the court between perpetrators and victims of crime, as well as the reformulation of Criminal Law policies to implement the settlement of criminal cases outside the court. The results of the study indicate that out-of-court settlements carry the concept of restorative justice, while the Criminal Procedure Code prioritizes retributive justice which focuses more on the perpetrators of the crime. (Khairul Fahmi, 2022). Fraud using the online arisan method is different from fraud in general in the Criminal Code, but uses the criminal principles in the ITE Law. Preventive efforts by the police in dealing with fraud using the online arisan method include conducting outreach, monitoring social media, closing or blocking, and synergizing with the community to monitor parties who will or have committed fraud using the online arisan method.

From the literature above, the difference from previous research lies in the attempt to conceptually synthesize normative criminal law and modern realist criminology in understanding the motives and goals of perpetrators of criminal detention. Previously, studies on unlawful deprivation of liberty tended to be placed within a dogmatic analytical framework that focused on the objective and subjective elements of the crime, without elaborating on the social dimensions that shape the perpetrator's rationality. This research offers a broader perspective by integrating the analysis of the element of intent in criminal law with the structural approach and individual rationality as developed in Left Realism and Right Realism. This novelty is evident in the reconstruction of motive as a relevant criminological variable in understanding the structure of the crime, not merely a marginal psychological background.

Furthermore, the novelty of this research lies in the formulation of a new construction model that positions the crime of detention as a phenomenon situated within the relationship between the

perpetrator, the victim, and the state. This approach broadens the analytical horizon by incorporating opportunity structures, power relations, and the dynamics of social control as integral parts of understanding the perpetrator's goals. Thus, this research not only enriches theoretical discourse in criminal law but also contributes to the development of a more contextual and preventative criminal policy framework. This interdisciplinary integration provides a strong academic position by bridging the dichotomy between normative legal studies and empirical-conceptual criminology.

The main contribution of this research lies in the development of an integrative theoretical framework that synthesizes a normative criminal law approach with a modern realist criminological perspective in analyzing criminal acts of detention, particularly those related to abuse of authority. Different from previous research that tends to focus on procedural aspects, protection of suspects' rights, or the systemic impact of detention without systematically linking them to the perpetrator's motives and goals, this research presents an analytical model that connects the subjective elements of the crime with social structures, power relations, and the rationality of the action. Thus, this research not only enriches academic discourse through an interdisciplinary approach that bridges the gap between legal dogmatics and criminology, but also provides a conceptual foundation for the formulation of criminal law policies that are more accountable, contextual, and based on human rights protection in detention practices.

The limitations of this research lie in its literature-based and conceptual nature, which means it lacks empirical data on the concrete practice of criminal detention in the field. The absence of case studies or jurisprudential analysis means the proposed construction model has not been operationally tested in the context of specific criminal justice systems. Furthermore, the focus on theoretical synthesis may lead to generalizations that require further verification through empirical and comparative approaches across jurisdictions.

Based on these limitations, further research is recommended to develop empirical studies that test the relevance of this theoretical construct in judicial practice, either through analysis of court decisions, interviews with law enforcement officials, or case studies of criminal detention in specific social contexts. A comparative approach across countries could also be employed to examine variations in the application of motives and objectives in different legal systems. Therefore, further research will not only strengthen the validity of the formulated synthetic model but also enrich academic and practical contributions to the development of evidence-based criminal policy.

CONCLUSION

Based on the overall discussion, it can be concluded that the criminological construction of the motives and goals of perpetrators of criminal acts of detention shows that these acts cannot be adequately understood through a normative-dogmatic approach that focuses solely on fulfilling the elements of the crime. Analysis based on a synthesis of criminal law and modern realism theory shows that motives are a reflection of social dynamics, power relations, and structural pressures, while goals reflect the perpetrator's rational orientation in exploiting the available opportunity structure. This approach does not negate the importance of legal certainty, but rather broadens the interpretive framework by incorporating contextual dimensions that have been previously neglected. Therefore, the integration of a realist criminological perspective in the analysis of criminal acts of detention provides significant theoretical and practical contributions, both in the development of criminal law studies and in the formulation of criminal policies that are more responsive, preventative, and oriented towards the roots of social problems.

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