
Enforcement of The Criminal Act of Embezzlement of Motor Vehicles in the Gorontalo City Jurisdiction

Melly Handayani Dama¹, Moh. R. U. Puluhulawa², Lisnawaty W. Badu³

¹ Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: mellyhandayaniidama@gmail.com

² Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: mohamadrusdiyanto@yahoo.co.id

³ Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: lisnawatybadu0@gmail.com

ARTICLE INFO

ABSTRACT

Keywords :

Enforcement,
Criminal, Car
Embezzlement

How To Cite :

Melly., Puluhulawa R. M.,
Badu, L.W. (2019).
Enforcement of The
Criminal Act of
Embezzlement of Motor
Vehicles in the Gorontalo
City Jurisdiction.
Estudiante Law Journal 1(3):
625-640

DOI :

The purpose of this study is to find out what factors are inhibiting the police in carrying out enforcement of the Motor Vehicle Embezzlement Law in the Gorontalo City Area. This type of research is empirical research, using a qualitative approach, which is analyzed qualitatively descriptively. Based on the results of research shows that law enforcement conducted by the Gorontalo City Resort Police has been based on the prevailing statutory mechanism even though in the implementation of the crime of embezzlement of four-wheeled motor vehicles there are still some cases that can not be resolved due to obstacles to the investigation process. While the factors that inhibit the Police from committing criminal acts of Motor Vehicle Embezzlement are lack of information, lack of witnesses, and lack of public legal awareness.

@2019 Melly., Puluhulawa R. M., Badu, L.W.

Under the license CC BY-SA 4.0

1. Introduction

Indonesia is a country that upholds the law is a power that regulates and coerces and has strict sanctions for anyone who violates it. In essence, the purpose of the creation of the law is to create harmony and peace in the association of people's lives. But in society, there are still various kinds of criminal acts, so this shows that the purpose of the law has not been fully realized.¹ Indonesia in the constitution is the State of Law whose realization is reflected in the laws and regulations made to limit the power of the state (government) and provide guidelines for the people in carrying out their activities as citizens.² The Indonesian legal system as a system of rules that apply in The Country of Indonesia has certain characteristics, consisting of components that are interconnected or dependent. So that the regulation of the legal system can not be separated from the influence of various legal streams that have existed before.³

Law enforcement is an attempt to express the moral image contained in the law. The moral image contained in the law can be affirmed through law enforcement officials. As a law enforcement officer in carrying out their duties, POLRI is required to instill a sense of trust in the community, because it upholds the authority of the law, which essentially means instilling the value of trust in the community. Based on what has been outlined, closely related to the issue of law enforcement integrity in instilling the value of trust in the community, POLRI is also required to have professionalism in enforcing the law. Professionalism means quality, quality, and horn action that is a characteristic of a professional profession.⁴ Law enforcement is largely determined by the moral and ethical aspects of the law enforcement officers themselves. Moral and ethical aspects of criminal law enforcement are related to the enforcement of criminal law in the criminal justice system. Law enforcement against more substantial legal rules is how law enforcement efforts can guide citizens not to commit unlawful acts.⁵

Law is a set of rules or rules arranged in a system, which determines what can and what should not be done by humans as citizens in their community life, sourced both from the community itself and from other sources, which is recognized by the highest authority in that society, and is enforced by the citizens of that community, (as a whole) in his life, and if the rule is violated it

¹Moeljatno, *Asas-asas Hukum Pidana*, (Jakarta: Rineka Cipta, 1999), hlm 54

²Nuvazria Achir, "Anotasi Normatif Terhadap Peraturan Daerah Tentang Transparansi". *Jalrev*, Volume 2, Nomor 1, 2020, Hlm 85

³Arif Hanafi, *Pengantar Hukum Indonesia, dalam tataran historis, tata hukum dan politik Hukum Nasional*, (Yogyakarta: PT LkiSPelangi Aksara, 2016), hlm 14

⁴I Ketut Adi Purnama, *Hukum Kepolisian (Sejarah dan Peran Polri dalam Penegakan Hukum serta Perlindungan HAM)*, (Bandung: PT Refika Aditama, 2018), hlm 61-62

⁵Julisa Aprilia Kaluku, "Penggunaan Hukum Adat Bajo Sebagai Alternatif Penyelesaian Perkara Anak Pelaku Tindak Pidana Kesusilaan", *Jurnal Legalitas*, Volume 7, Nomor 1, 2014, Hlm 92

will give the highest authority to impose external sanctions.⁶The law that exists in society is a tool to create order in society, so there is a legal motto that reads *Ubisocietasibiis*, where there is a society there is law, because, in the social field, especially the relationship between people, then a community is created.⁷

In its function as a protection of human interests, the law has a purpose. The law has a goal to achieve. The main purpose of the law is to create an orderly order of life in society. Consequently, human interests will be protected. In society, there are many social problems. Of the many social problems that must be tried to find legal problems to be solved later.⁸Law, as a rule, namely guidelines or benchmarks of attitudes of action or as appropriate or expected. Therefore, man as a being who always lives together with others, requires a benchmark device, so that there is no conflict of interest as a result of different opinions about the order. These benchmarks are nothing but guidelines for behaving appropriately, which is a view of judging that is at once a hope. Such norms or rules may arise from views of what is considered good or bad, which is usually called value. Sometimes, these norms or rules arise from patterns of human behavior. In addition, the norms or rules govern human interpersonal life, especially regarding the field of decency and law. Therefore, the law must be used as a driver to change people's lives for the better and benefit all parties. One of the legal issues that concern the public and the government at this time is embezzlement.⁹

The main provision of a criminal act is the fulfillment of all factors of crime that is a crime, the perpetrator can be held accountable for his actions, the perpetrator's actions must be intentionally or unintentionally, the perpetrator can be legal and it is attached that a person's actions meet all conditions that must be fulfilled after the conditions of what is meant by crime.¹⁰ The crime of embezzlement is a problem that will always occur in public life, the problem can be caused by criminal acts related to embezzlement that is very closely related to one of the basic human needs, namely the need to interact with fellow humans in everyday life that is lived and also will not continue to occur, which causes a good view of a person's bad in interacting with others. The development of criminal acts of embezzlement continues and grows over time. The same we can see related to the crime of embezzlement which is an unlawful

⁶ZainalAsikin, *PengantarIlmuHukum*, (Jakarta: PT RajaGrafindoPersada, 2013), hlm 19-20

⁷Novendri M. Nggilu, "MenggagasSanksiatas Tindakan Constitution Disobedience TerhadapPutusanMahkamahKonstitusi", Google Scholar, Vol 16, Nomor 1, Tahun 2019, hlm 50

⁸ Fence M. Wantu, "AntinomiDalamPenegakan Hukum Oleh Hakim". *Mimbar Hukum*, Vol 19, Nomor 3, Tahun 2007, Hlm 388

⁹Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT Raja Grafindo Persada, 2013), hlm 1-2

¹⁰ Dian Ekawaty Ismail, "Penanggulangan Tindak Pidana Lingkungan Hidup", *Jurnal Legalitas*, Vol 2, No, 1, Tahun 2009, hlm 93

act that increasingly occurs with the development of the times, especially the crime of embezzlement of 4-wheeled motor vehicles (cars).¹¹

Embezzlement of motor vehicles often occurs at this time and this is very troubling to the community while one example of criminal embezzlement is the embezzlement of four-wheeled motor vehicles with the mode of the perpetrator borrowing a car to the victim, where the characteristics of people who want to commit embezzlement of motor vehicles are difficult to know. This crime occurs because of the desire to get money quickly and easily so the perpetrator makes embezzlement as his job, where various factors are diverse and always develop with developments in society. These factors can be difficult to get a job, as for education factors, socioeconomic factors, especially in large cities.

As outlined above the development of the modern era at this time does not rule out the possibility of the mode of perpetrators of the crime itself is increasingly sophisticated, because the technology is now growing. The development of this technology greatly affects parties or perpetrators to do various ways to commit the crime itself, then in the criminal act of embezzlement of motor vehicles will cause losses in the form of goods or property for motor vehicle owners and if the criminal case of embezzlement often occurs can cause unrest against the community and parties who lend motor vehicles if they do not get a serious response from the motor vehicle. law enforcement authorities.¹²

The legal rules used in the handling of cases about the crime of embezzlement are regulated in the provisions of Article 372 to Article 377 of the Criminal Code (Criminal Code) which has qualifications in objective elements and subjective elements respectively to meet the requirements of the crime of embezzlement which can then determine criminal liability against the perpetrator. The sound of Article 372 of the Criminal Code is:

"Whoever knowingly and unlawfully possessed something that is wholly or in part belongs to another person, but which is in his power not for the crime of being threatened with embezzlement, with a maximum imprisonment of four years or a maximum fine of nine hundred rupiahs."¹³

By looking at the number of embezzlement of 4-wheeled motor vehicles from year to year until 2021 which continues to fall and increase, this shows that although all parties both the government and the apparatus have tried to crack down firmly on the perpetrators of embezzlement, this has not given a deterrent effect on the perpetrators of criminal acts of embezzlement, and this is

¹¹Arif Sujutmiko Fauji, 2021, *Tinjauan Yuridis Sosiologis Terhadap Kasus Penggelapan Mobil Rental di Wilayah Hukum Polres Malang Kota*, Jurnal Hukum, Volume 2. No. 2, hlm 2

¹²Komang Oka Wijaya Kusuma, Gde Made Swardhana dan Wayan Suwardana, 2018, *Penanggulangan Tindak Pidana Penggelapan dalam Transaksi Sewa Menyewa Kendaraan Bermotor*, Journal Ilmu Hukum, Vol. 07, No. 05, Hlm 3-4

¹³KUHP Pasal 372

still a phenomenon that is very troubling to the community. This is a task that needs to be considered because the police are the spearhead in suppressing and tackling crime. For this reason, this research is interesting to be done so that it can be known about the problems that occur in the field about law enforcement against the crime of embezzlement that occurred in the city of Gorontalo conducted by the Gorontalo City Resort Police.

2. Research Methods

The research methods used by the authors include empirical research types. While judging from the nature of the approach is included in the qualitative approach. A qualitative approach is a way of analysis of research results that produce analytical descriptor data, namely data expressed by respondents in writing or orally as well as real behavior, which is researched and studied as something intact.¹⁴ research site in Gorontalo City Police Station.

3. Analysis and Discussion

3.1 Law Enforcement Against The Criminal Act of Embezzlement of Four-Wheeled Motor Vehicles in Gorontalo City Jurisdiction

In terms of law enforcement against the crime of embezzlement in the Gorontalo city police jurisdiction, some still can not be resolved. This is because most criminal cases experience obstacles in conducting investigations and investigations. As interview with Mr. Ipda Arif Ibrahim as KBO Reskrim Polres Gorontalo Kota on September 28 at 12:29 pm. He said that the police in conducting the investigation and investigation process related to this embezzlement case experienced many obstacles and obstacles due to the lack of witnesses who directly saw the perpetrators carry out the act and also the perpetrator was not native to the region.¹⁵ Based on the above statement, the police in doing its duty to a case has tried as much as possible in enforcing the law against a criminal act, especially in the criminal act of car embezzlement, but in carrying out law enforcement related to some cases that from year to year can not be resolved constrained by the investigation process. As for some factors that were found to be obstacles to the Gorontalo City Resort Police, namely:

1. The vehicle has been transferred to several people. The borrowed car has been darkened and spotted or sold to someone else. Those who report are often late to report to the police so that it is difficult to recover the car that has been darkened and this becomes an obstacle for investigators to find his whereabouts.

¹⁴Ibid., pp. 192

¹⁵ Interview with KBO Reskrim Polres Gorontalo Kota Mr. Arif Ibrahim

2. Unknown suspect and escaped

If the reported is no longer in the Gorontalo area for example he has fled to another place or outside the area and the address is not known where, this makes investigators rather slow to handle this case especially the concerned Selvon number is no longer activated or has been replaced with another number, so to track the whereabouts of the perpetrator is rather difficult because the communication tools commonly used by the perpetrator are no longer used.

3. Identity falsification

Related to the falsification of identity they falsify their identity such as ID cards. When the police have obtained the identity of the perpetrator they conduct a medical process related to the id card of the domicile perpetrator where by going to the village office / kcamatan or dukcapital looking for adjustments to the address of the ID card. Often found perpetrators who do car embezzlement are not the original place or just contract a house/boarding house. And what is often found by the police is a fake ID card/scan but the material is indeed an ID card but the identity listed in the identity is not good.

4. Removing evidence

Evidence in the form of the car will be taken away by the suspect out of the area and change the color of the car from its original color and change the license plate of the car.

Embezzlement of four-wheeled motor vehicles has been stipulated in Article 372. In Article 372 there are charges for those who commit the crime of embezzlement, so the perpetrators who commit the crime of embezzlement of four-wheeled motor vehicles can be subject to Article 372 with a maximum prison sentence of four years or a maximum fine of Nine hundred rupiah.

Based on an interview with Mr. BipkaAyatulanRadjak as Unit II Tpiter on September 29 at 11:52 pm, namely, "Enforcement of embezzlement crimes, especially embezzlement of four-wheeled motor vehicles in our area Gorontalo City Police from the past until now is still committed to eradicating perpetrators who commit embezzlement, especially car embezzlement because it is related to law enforcement to regulate the community from the crime of embezzlement".

16

The crime of car embezzlement that these days often occurs is very troubling for car owners, both private car owners, and rental cars. This becomes a problem where the meaning of a rule of law if crimes committed by society cannot be followed by the rule of law, such as crimes by embezzlement, is one of the types of crimes against human property regulated in Article 372 of the Criminal Code, which is an inexhaustible crime and can occur in all fields and even the perpetrators in various levels of society, Both from the bottom layer to the

¹⁶ Interview with Unit II TpiterReskrimPolres Gorontalo Kota MrBripkaAyatulanRadjak

upper society can commit the crime of embezzlement which is a crime that begins from the existence of a belief in others, and the trust is lost because of the weakness of an honesty. It is stated that the crime of embezzlement has problems that are closely related to attitudes, morals, mental, honesty, and human beliefs as individuals.

Based on the findings in the field, cases of car embezzlement have developed in the community, especially the Gorontalo City area by looking at the following table:

**Car Embezzlement Data for 2019 to 2021
Gorontalo City Police**

No.	Year	Number of cases	Information
1.	2019	7	Unfinished
2.	2020	10	Unfinished
3.	JAN S/D MAY 2021	9	Unfinished

Based on the findings on the ground, cases of embezzlement of four-wheeled motor vehicles have developed in the community, especially in the Gorontalo City area. Based on interviews with Gorontalo city police investigators, the latest case of enforcement and arrest in the Gorontalo City Police Department is in Kel. Bugis Kec. Dumbo Raya Gorontalo City. The results of the crackdown and arrest in Kel. Bugis Kec. Dumbo Raya Gorontalo City is armed with complaints from the victim on November 3, 2020. Based on the victim's testimony that sm perpetrators have carried out embezzlement of his car which was originally borrowed by the suspect for 5 (five) months or contracted by the suspect amounting to 2,500,000, (Two million five hundred thousand rupiahs) per month. Where the car has been contracted by the suspect and after entering the 6th month that the suspect should have deposited on the 10th of the current month but the suspect only transferred money amounting to Rp. 500.00, (Five hundred thousand rupiahs) and after that, the suspect was no longer informed. After it was discovered that the suspect had pawned the car to someone else in April 2021. Then the suspect was arrested after several months of hiding in one of the houses in the city of Central Sulawesi and now it has been secured without any resistance. After that, the suspect went down to Gorontalo city police for further legal proceedings.¹⁷

A contract case contracting the car above which then actually leads to criminal problems committed by H.M who is suspected of car embezzlement who commits the criminal act of car embezzlement by borrowing the car mode.

¹⁷ Data source Reskrim Gorontalo City Police

Legal events in the form of agreements or contractual relationships contracting cars conducted between two people such as the case described above for example, when the realization of the agreement or contracting contract relationship is not by the original plan or betrayal occurs between them, often turns into criminal cases like fraud, embezzlement and so on. The contract agreement to contract the car becomes a criminal offense after the perpetrator does not return the car on the second day after the agreement, where on the day since the contract agreement contracted the complainant said that the car had been taken away by his partner and the perpetrator of this crime was followed up to the stage of investigation and investigation by the Gorontalo city resort police investigators.

The police in doing their duties must adhere to the laws and regulations that apply. This is by the results of the author's interview with Mr. BripkaAyatulanRadjak, namely, "Every in doing his duty, the police (investigators) must always act based on the rules of the invitations and applicable provisions so as not to do something arbitrarily and must not violate human rights as stated in Article 1 paragraph (1) of the Criminal Code".¹⁸

Based on the results of the above interview is known in law enforcement against the criminal act of embezzlement of motor vehicles carried out by the Gorontalo City Resort Police based on the provisions of Article 7 of Law No. 8 of 1981 concerning the Criminal Procedure Law (KUHAP) where Article 7 paragraph (1) of the Kuhap states that:

1. Police investigators due to their obligations have the authority:
 - a. Receiving a report or complaint from someone about a criminal offense;
 - b. Perform the first action at the time of the incident;
 - c. Telling a suspect to stop and check the identification of the suspect;
 - d. Making arrests, detentions, searches, and seizures;
 - e. Carrying out examination and confiscation of letters;
 - f. Taking fingerprints and photographing someone;
 - g. Calling people to be heard and examined as suspects or witnesses;
 - h. Bringing in the necessary members in conjunction with the examination of matters;
 - i. Stop investigating;
 - j. Take other actions under responsible law.¹⁹

Based on the provisions of Article 7 paragraph (1) above, the law enforcement mechanisms carried out by investigators against the criminal act of embezzlement of four-wheeled motorized vehicles in the city of Gorontalo are as follows:

¹⁸ Interview with Mr. Brigadier AyatulanRadjak as Unit II Tipidter

¹⁹ Article 7 paragraph (1) kuhap

1. Investigation

The investigation conducted by the Gorontalo City Police investigation officer is intended for a temporary answer to the alleged crime of embezzlement and if true will be obtained about the description of who the perpetrator of the crime, where the crime was, how the crime was committed when the incident was carried out and what the motive of the perpetrator committed the crime. Once obtained, the news of the examination event is then used as the basis of the prosecution.

2. Crackdown

Enforcement is any legal action taken by investigators or auxiliary investigators against people or objects or goods that have to do with criminal acts that occur. These legal actions include:

1) The summoning of suspects and witnesses

The summoning of suspects and witnesses is issued by the head of the unit or an official appointed as an investigator or auxiliary investigator based on police reports, the development of examination results in news events, and reports of investigation results made by officers on the orders of investigators or auxiliary investigators. If a person called either as a suspect or a witness does not comply while the summoning has been by the procedure, a warrant can be imposed (forced summons).

2) Arrest

Arrests are made in the interests of investigation and investigation, investigators and investigators or auxiliary investigators are authorized to make arrests against a person suspected of committing a criminal offense based on sufficient preliminary evidence, after the arrest of one sheet of an arrest warrant must be given to the attached and one sheet of the letter given to his family. And after the arrest, an examination is held to determine whether there needs to be detention or not because the period of arrest given by the Act is only 1 x 24 hours except for drug cases 2 x 24 hours.

3) Detention

Detention is carried out after examination after arrest and in the sense that there needs to be detention than by the authorities to carry out detention. Detention is carried out if there are circumstances that raise concerns that the suspect:

- a. Will escape
- b. Will damage or eliminate evidence
- c. Will repeat the criminal act
- d. Or influence or eliminate witnesses

Such detention is only carried out in the event of being denied:

- a. Criminal acts punishable by imprisonment of 5 years or more
- b. Criminal acts against certain articles as stipulated in Article 21 paragraph (4b)

The type of detention can be:

- a. State detention house
- b. Home detention
- c. Koa detention

The period of detention is 20 days if an investigation is required, it can be extended by 40 days by the public prosecutor at the request of the relevant investigator.

4) Searches

Searches of homes, clothing, or bodies according to the procedures prescribed by the Law can be carried out if the interests of the investigation and investigation require it. For a house search, a search warrant is required that has been licensed by the Local District Court except if it is very necessary or urgent and in the event of being caught in the hand.

5) Confiscation

Objects seized include:

- a. Objects or bills of suspects that are all partly suspected of being obtained from criminal acts or as a result of criminal acts.
- b. Objects that are used directly to commit criminal acts or to prepare for them.
- c. Objects used to prevent the enforcement of criminal acts.
- d. Other objects that have a direct relationship with the criminal acts committed.
- e. Objects that are in confiscation due to civil or bankruptcy cases (as long as they meet Article 39 paragraph (1) of the Kuhap).

3. Examination

The torture method can use the techniques:

- a. Interview
- b. Interrogation
- c. Confrontation
- d. Reconstruction

Stages of examination:

- a. Suspect's examination
- b. Witness inquest
- c. Expert examination
- d. Completion and submission of case files.

Activities in the resolution and submission of case files include:

1. Resume creation

Is the preparation of sincerity and kesimpulan based on the results of criminal investigations that occur based on formal and material terms and written conditions found.

2. Arrangement of the contents of the case file

The arrangement includes:

 1. Case file cover
 2. List of contents of case files
 3. Fill in the case file

Include:

 - a. Resume
 - b. Police report
 - c. Event news
 - d. Ballots that include ordinary letters and warrants
 - e. Contents after
 - f. List of suspects
 - g. List of evidence
1. Enactment

It is the activity of clearing the content of the case with certain arrangements and conditions.
2. Submission of case files

It is the activity of sending case files to the public prosecutor. The following is the submission of responsibility for the suspect and evidence to the public prosecutor carried out in 2 stages, namely:

 - a. The first stage of the investigator simply submits the case file
 - b. The next stage of the investigator submits the responsibility of the suspect and his evidence to the public prosecutor after the case file is declared complete. If within 14 days the case file is not returned by the public prosecutor, the investigation is considered complete and the investigator submits the responsibility of the suspect and his evidence to the public prosecutor.
3. Penghentianpenyidikan

Merupakan salah satukegiatanpenyelesaianperkara yang dilakukanapabila :

 - 1) There's not enough evidence.
 - 2) This incident is not a criminal offense.
 - 3) Stopped for the sake of the law because:
 - a. Suspect died
 - b. Criminal charges have expired
 - c. Complaint revoked
 - d. The crime has obtained a judge's ruling that obtains permanent and definite legal force.
 - e. In the termination of the investigation, the case file is not submitted to the public prosecutor but the investigator and auxiliary

investigators are obliged to send a letter of termination of the investigation to the public prosecutor.

- f. If the termination of the investigation is declared invalid by a pre-trial verdict and/or new evidence is found, the investigator shall proceed with a re-investigation by issuing a decree on the revocation of the termination of the investigation and/or the warrant for the investigation continued.

Based on the description above, it can be concluded that law enforcement carried out by the Gorontalo City Resort Police against the criminal act of embezzlement of four-wheeled motor vehicles in the city of Gorontalo has been carried out by the applicable mechanism. In a statement revealed by Gorontalo city police investigators

"In terms of handling this case, the Police based on the existence of reports or complaints against allegations of criminal embezzlement, after which the Police investigated to determine whether there was a criminal event or not, after investigating by the Police to conduct an investigation. In the process of investigation, investigators conduct a summons against witnesses as outlined in the news of the initial examination event and then do the title of the case to determine the suspect. Furthermore, the investigator calls the suspect for examination and then conduct initial coordination with the Public Prosecutor, then the next step is to send a notification letter of the start of the investigation (SPDP) to the Prosecutor in this case the Gorontalo State Prosecutor, and if the evidence is found it will be confiscated evidence and complete the case file, in the next stage of sending the first phase of case files, and if it has been declared complete, the investigator will submit the suspect along with the evidence to the Public Prosecutor for prosecution through the Gorontalo District Court"

Based on research that has been conducted by the author related to the case of embezzlement of four-wheeled motor vehicles handled by the Gorontalo City Resort Police, although the law enforcement conducted by the Gorontalo City Resort Police in carrying out law enforcement on cases that have been handled before has been by the applicable mechanisms but based on existing data there are still some cases that cannot be resolved by the Resort Police. Gorontalo City until now which is hindered by obstacles in the investigation process, where the obstacles they often encounter, namely investigators in making calls to witnesses it is difficult to present it for a preliminary examination in conducting a case title to determine the suspect, then in an investigation process in the process of finding and collecting evidence that helps the course of law enforcement is hindered by the perpetrator who Removing evidence such as the vehicle has been transferred to several people, the car has been changed the color of the car from its original color and changed the license plate of the car so that law enforcement in the investigation process conducted by investigators related to cases that have not been resolved does not run as expected.

Implementation in law enforcement, Gorontalo City Police as the main element closest to crime is required to be able to have the power and real efforts of law enforcement officers who are competent in preventing the criminal act of motor vehicle driving. As for the prevention or solution that has been done by the Gorontalo City Resort Police, namely by taking pre-emptive measures, preventive measures, and repressive measures.

1) Pre-Emptive Action (Anticipation)

Pre-Emptif action is one of the actions taken by the police to create conducive conditions by observing or detecting early factors that have the potential to be the cause, driver, and chance of criminal acts of car embezzlement. Pre-Emptive Measures carried out by the Gorontalo City Resort Police in other areas:

a) Socialization

Socialization to the community is an effort made by the Gorontalo City Resort Police to carry out the role and responsibility in socializing or providing counseling or appeals about embezzlement, namely the Gorontalo City Resort Police.

b) Mapping

Mapping is done when there are meetings with the community and youth figures or done in locations that are prone to embezzlement crimes such as in-car rental places, this mapping is done to determine where these locations are to suppress and even reduce the crime of embezzlement.

2) Preventive Measures (Non-penal)

Preventive action (*Non-penal*) is a preventive measure so that there is no violation of applicable norms, namely by trying to ensure that the intention and opportunity factors do not meet so that the situation remains safe and under control. The *preventive* role carried out by the Gorontalo City Resort Police for the creation of security and comfort in the lives of the people in Gorontalo City include:

1. It has approached the community carried out by the establishment of Polmas (Community Police) in preventing or overcoming the occurrence of criminal acts, especially the crime of embezzlement of four-wheeled motor vehicles (cars).
2. Carry out patrols that are carried out in a directed and regular manner. Police conduct regular patrols in hangouts that often people gather to provide socialization to prevent the occurrence of criminal acts of embezzlement. Carrying out patrols is one of the effective efforts in preventing the occurrence of disturbances in the community, where police officers directly plunge into the community and join in maintaining security and improving order.

3. Strengthen religious beliefs for each individual. To prevent the crime of car embezzlement, it is also necessary to hold mental coaching of individuals in particular and members of society in general, for example by following various religious education.
4. The role of parents in providing education and direction. Parents are obliged to provide education, parents about children's education are the main educators, therefore parental responsibility towards the child's education includes providing a good motivational boost.

3) Repressive Actions

Repressive measures are all efforts made by law enforcement officials after a crime. The effort aims to restore anxiety that has been disturbed, in other words, namely that perpetrators who have committed such crimes have been punished by law enforcement.

3.2 Factors Inhibiting Police in Conducting Law Enforcement Of Four-Wheeled Motor Vehicle Embezzlement in Gorontalo City Jurisdiction

Enforcement of embezzlement crimes several obstacles hamper the performance of the police in carrying out law enforcement of motor vehicle embezzlement. Based on an interview with Mr. Arif Ibrahim as KBO ReskrimPolres Gorontalo Kota that on September 28 at 12:29 pm related to factors that hinder the police in carrying out law enforcement of motor vehicle embezzlement crimes, one of which is in the investigation process, especially the lack of information and insufficient witnesses in this case. Then the lack of public legal awareness is also one of the obstacles in the law enforcement process against the criminal act of embezzlement of the car.²⁰

Based on the interview with Mr. Arif Ibrahim as KBO ReskrimPolres Gorontalo Kota, that is, can be outlined the factors that hinder the police in carrying out law enforcement of the crime of embezzlement of four-wheeled motor vehicles, as follows:

1. External Factors
 - a. Lack of public legal awareness

The low legal awareness of the community causes the perpetrator no longer to think long about committing criminal acts and without thinking about the consequences.
 - b. Lack of information

Information is one of the obstacle factors experienced by the Gorontalo City Resort Police. The lack of information obtained by the police made the investigation process slow.
 - c. Lack of witnesses

²⁰ Interview with Mr. Arif Ibrahim as KBO ReskrimPolres Gorontalo Kota

Usually, witnesses who know the incident do not come if needed to give testimony so that the investigation and investigation process conducted by the Gorontalo City Resort Police becomes hampered.

Based on the above description related to the factors inhibiting the police in committing criminal acts of embezzlement can be concluded the cause of lack of public awareness of the law can be caused by the lack of public understanding of the law itself. Then the lack of information obtained by the police makes the investigation process slow, and the lack of witnesses makes the investigation process and investigation conducted by the police become hampered so that it can take a long time for investigators to find information to uncover the perpetrators of the embezzlement crime.

4. CONCLUSION

In the case of law enforcement against the criminal act of embezzlement of four-wheeled motor vehicles in the Gorontalo city police jurisdiction, it has been implemented by the applicable mechanism based on the provisions of Article 7 paragraph (1) of the KuHar. Although the enforcement of the law carried out by the Police has been based on the applicable Law there are still some cases that have not been resolved. This is because most cases of embezzlement crime experience obstacles in the investigation process so that investigations conducted by investigators related to cases that have not been resolved do not run as expected. In law enforcement carried out by the Gorontalo City Resort Police against the crime of embezzlement of four-wheeled motor vehicles, several factors are inhibited in external factors, namely lack of public legal awareness, lack of information on the lack of witness information.

Book:

- Asikin Zainal, *Pengantar Ilmu Hukum*, (Jakarta: PT Raja Grafindo Persada, 2013), 19-20.
- Djamali Abdoel R, *Pengantar Hukum Indonesia*, (Jakarta: Rajawali Pers, 2014), 173.
- Hanafi Arif, *Pengantar Hukum Indonesia, dalam tataran historis, tata hukum dan politik Hukum Nasional*, (Yogyakarta: PT LKiSPelangi Aksara, 2016), 14.
- Moeljatno, *Asas-asas Hukum Pidana*, (Jakarta: Rineka Cipta, 1999), 54.
- Purnama I Ketut Adi, *Hukum Kepolisian (Sejarah dan Peran Polri dalam Penegakan Hukum serta Perlindungan HAM)*, (Bandung: PT Refika Aditama, 2018), 61-62

Journal:

- Achir Nuvazria, (2020), Anotasi Normatif Terhadap Peraturan Daerah Tentang Transparansi. *Jalrev*, 2, Nomor 1. 85
- Ahmad, Ahmad, and Novendri M. Nggilu. "Denyut Nadi Amandemen Kelima UUD 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution." *Jurnal Konstitusi* 16.4 (2020): 785-808.

- Ahmad, Ahmad. "Purifikasi Pemberian Amnesti Dan Abolisi: Suatu Ikhtiar Penyempurnaan Undang Undang Dasar 1945." *Ius Civile: Refleksi Penegakan Hukum dan Keadilan* 5.2 (2021).
- Fauji Arif Sujutmiko, (2021), "Tinjauan Yuridis Sosiologis Terhadap Kasus Penggelapan Mobil Rental di Wilayah Hukum Polres Malang Kota" *Jurnal Hukum*, 2. No. 2.2
- Ismail Dian Ekawaty, "Penanggulangan Tindak Pidana Lingkungan Hidup", *Jurnal Legalitas*, Vol 2, No, 1, Tahun 2009, hlm 93
- Kaluku Julisa Aprilia, (2014), "Penggunaan Hukum Adat Bajo Sebagai Alternatif Penyelesaian Perkara Anak Pelaku Tindak Pidana Kesusilaan", *Jurnal Legalitas*, 7, Nomor 1, 92
- Kusuma Komang Oka Wijaya, Swardhana Gde Made dan Suwardana Wayan, (2018), "Penanggulangan Tindak Pidana Penggelapan dalam Transaksi Sewa Menyewa Kendaraan Bermotor". *Journal Ilmu Hukum*, 07, No. 05, 3-4
- Nggilu Novendri M, (2019), "Menggagas Sanksi atas Tindakan Constitution Disobedience Terhadap Putusan Mahkamah Konstitusi", *Google Scholar*, 16, Nomor 1, 50
- Wantu Fence M, (2007), "Antinomi Dalam Penegakan Hukum Oleh Hakim". *Mimbar Hukum*, 19, Nomor 3, 388
- Wijaya, Ahmad, and Nasran Nasran. "Comparison Of Judicial Review: A Critical Approach To The Model In Several Countries." *Jurnal Legalitas* 14.2 (2021): 85-106.

Law:

- Kitab Undang-Undang Hukum Pidana Pasal 372
 Kitab Undang-Undang Hukum Acara Pidana Pasal 7 ayat (1)