
Performance Analysis of the General Criminal Investigation Directorate in Revealing the Crime of Theft

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ABSTRACT

This study aims to determine the role of the general criminal directorate detective in uncovering the crime of car theft in the Acc Finance warehouse. This type of research uses empirical legal research with a qualitative approach. The results of this study indicate that the efforts made by the Gorontalo Regional Police, especially to prevent the occurrence of car theft crimes, the police conduct raids/control operations on motorized vehicle completeness (sweeping), especially cars on a regular basis in several locations that are known to be places that are prone to car theft crimes. , conduct counseling on the dangers of the crime of theft of motorized vehicles, especially cars, billboards advertising public services with an appeal to members of the public to be more careful in storing and or parking motorized vehicles, especially cars, in collaboration with the surrounding community to prevent crime. the crime of vehicle theft by giving an appeal so that community members remind the security system in their respective environments by means of preventive measures in the form of raids/operations by directly involving community members to further improve security and the environment. their territory by increasing the security system and the active role of community members in an effort to improve security in their respective environments.

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1. Introduction

The crime of theft is contained in the book of the Criminal Code, has been classified as 362 of the Criminal Code), the crime of minor theft (Article 364 of the Criminal Code), the crime of theft with violence (Article 365 of the Criminal Code), the crime of theft by weight (Article 363 of the Criminal Code), the crime of theft within the family (Article 363 of the Criminal Code). 367 of the Criminal Code).¹

One type of theft that often occurs is theft with aggravating elements. Theft by weighting with qualifications by legislators has been regulated in Article 363 of the Criminal Code. This type of crime of theft with weighting is one of the crimes that most often occurs in the community, which almost occurs in every region in Indonesia.

A form of crime that has recently occurred and greatly disrupted public security and order is the crime of theft. In the Criminal Code (KUHP) book II starting from Article 362 to Article 367 of the Criminal Code regulates theft. The crime of theft is usually motivated by the circumstances of the perpetrator's daily life, for example the economic situation or income level which is relatively low so that it cannot meet the costs of daily living needs and is influenced by a low level of education. From various reports in the mass media, both from electronic media and print media, the news about theft attracts attention, disturbs the sense of security and invites question marks to the public what has happened in this community, especially the theft together which has been planned beforehand.

According to the Criminal Code, the crime of theft is distinguished by various qualifications, starting from Article 362 to Article 367 of the Criminal Code which regulates theft having different qualifications. Starting from ordinary theft, theft with weight, light theft, theft with violence, and theft in the family. In essence, there are many efforts and activities taken by the government and law enforcement agencies in order to prevent the occurrence of criminal acts of theft, both through legal counseling and improving the security system, as well as by punishing perpetrators of criminal acts of theft, but in reality there are still public reports about the occurrence of criminal acts of theft. theft crime.²

Law enforcement in Indonesia requires reliable, authoritative, dedicated, intelligent, law-abiding and broad-minded law enforcement officers, so that law enforcement officers are liked and respected by the community, especially law enforcers in the Indonesian state police. The definition of law enforcement is a process to make legal wishes come true, what are referred to as legal desires here are none other than the thoughts of the law-making body formulated in the regulation. Crimes committed by a

¹ Rezna Fitriawan1 R. Sugiharto. (2021). The Role of the Criminal Investigation Unit in Revealing the Crime of Theft with Weights in the Legal Territory of the Demak Police Resort. Proceedings of the KIMU National Seminar, 2(1), 329-330

² Ravinska Audina Zhasadoma, Budi Setiyanto. (2015). Overview of the Criminal Acts of Theft With Weights Carried Out by Children. Journal of Review of Criminal Acts, 4(1), 96

person or group together are based on classical problems such as economic difficulties, low levels of education, increasing unemployment, lack of legal awareness, loosening of family ties, influence of friends in association, punishment too light, opportunity or negligence of the victim. , the flow of globalization and population growth and the influence of narcotics. This triggers the occurrence of criminal acts of theft with violence/curas (Article 365 of the Criminal Code), theft with weighting/stealing (Article 363 of the Criminal Code), and theft of vehicles/stealing (Articles 362, 363, 365 of the Criminal Code).³

The level of crime and crime is increasing following the growth of the economy and a fairly developed industry. This can be seen in the print and electronic media that report on crimes that have occurred in the country, ranging from acts of violence, fraud, rape to murder, as a social reality.

Article 1 of the Criminal Code explains that the investigator is a police official of the Republic of Indonesia or a certain civil servant official who is given special authority by law to conduct an investigation. In law enforcement investigations, the police who are tasked with conducting investigations into criminal acts are detectives, one of which conducts investigations into criminal acts of theft.

Conduct investigations and investigations of all criminal acts in accordance with the criminal procedure law and other laws and regulations which include arrest, detention, search, confiscation, and examination of documents. As well as the Criminal Code approach regarding the basis of granting authority to investigators not based on power, but based on the approach of the obligations and responsibilities they carry, then the official is given authority that is adjusted/equalized with the severity of obligations and responsibilities as well as the level of position, rank as well as knowledge, investigatory authority. as an investigator is regulated in Article 7.⁴

The crime of theft is an act that violates the norms contained in society, both national legal norms and religious norms. Any religion forbids its adherents to commit an act of theft because it can have a detrimental impact on the victim and order in society. The positive law that applies in Indonesia also prohibits people from owning goods that are not their rights against the law as regulated in Chapter XXII book II of the Criminal Code.

The offense of theft is regulated in articles 362 to 367 of the Criminal Code. Because Article 365 of the Criminal Code has been described in Chapter II as a violent offense which is everyday called robbery, this article is not described in this chapter. The

³ Hardiyanto, Marlina, Muaz Zul. (2020). The Role of the General Criminal Investigator as an Investigator of the Crime of Stealing and Cursing (Study at Polrestabes Medan). *Master of Law Scientific Journal*, 2(2), 171

⁴ Ketut Adi Purnama. *Transparency of Police Investigators in the Criminal Justice System in Indonesia*. (Bandung: PT Rafika Aitama, 2018), 10

offense of theft is the most common offense, listed in all the Criminal Code in the world, as a neutral offense because it occurs and is regulated by all countries.⁵

Broadly speaking, the law has 4 functions. First, define between community members. The law emphasizes the actions or actions that can be done and also there are things that cannot be done. At least the law regulates activities between individuals and groups in society. Usually the law has a purpose to maintain public order. Second, the law functions to tame naked power and shows how to regulate that power. This means that the law has the function of protecting individuals from the arbitrariness of the State. Third, the law functions to solve problems that arise, both between individuals and between individuals and groups. Fourth, the law functions to redefine the relationship between individuals and groups in changing living conditions.⁶

In simple terms, crime is defined as suffering intentionally given by the State to a person or persons as a result of actions which according to the rules of criminal law are prohibited acts. So that every action must explicitly include the prohibited act.

During the examination of criminal acts, it is not always only the suspect who must be examined. Sometimes it is necessary to examine witnesses or experts. For the sake of clarity and clarity of the alleged criminal event. However, for the suspect, the protection of dignity and human rights must be enforced, for witnesses and experts, it must also be needed in a civilized and humane manner.

In Gorontalo, cases of theft have increased every year, in fact the perpetrators are not only from adults but now have penetrated into teenagers and also children (still underage). This crime does not only occur in big cities which are relatively more advanced in culture and awareness or legal knowledge, but also occurs in rural areas which still hold relatively traditional values and customs. In various reports in the print media to electronic media, there are always cases of theft in its form and modus operandi. Gorontalo Regency in the case of criminal acts of theft has occurred a lot. This type of theft is a type of crime that exists in almost every region in Indonesia. Therefore, it becomes very logical if this type of crime ranks at the top among crimes against other assets. Like the case that happened in mid-2019 yesterday, precisely in May where there was a theft of 1 car at the Acc Finance warehouse on Jl. Solar Park Ex. Dembe Jaya District. North City Gorontalo City. Based on the initial data that I got from my research site, the Gorontalo Regional Police, that there were only two cases of car theft that occurred in the last 5 years, the first in 2016 and the second in 2019 related to the case that I am researching now.

In the initial interview with Brigadier Muh Agung WH, one of the Gorontalo Police Investigators, the cause of the theft by the suspect began with the suspect lending a car to his friend. In the middle of the journey, the car was stopped by several people who claimed to be from Acc Finance, it was suspected that the car was in arrears, and the car was immediately taken by Acc. Based on the background above, the authors are interested in conducting a study entitled "The Role of the Investigator as an Investigator

⁵ Andi Hamza. *Certain Offenses in the Criminal Code*. (Jakarta: Sinar Graphic, 2014), 100

⁶ Eddy O.S Hiariej. *Criminal law*. (South Tangerang: Open University, 2018), 10

in Revealing the Crime of Car Theft in the Acc Finance Building" (Case Study of the Gorontalo Police). After the car was brought under his friend, he immediately called the owner of the car and said that he had to come immediately to coordinate with the Acc. Upon arrival at the office, the owner of the car wanted to ask for the car to be returned, but Acc said the car had to be paid in full so that it could be returned. Indeed, the car's driver's license belongs to him in the name of the contract, but it is contracted by the owner of the car on behalf of the creditor, namely from the Acc Party. Because there was no way out that Acc gave that night, the car owner had planned to call 3 of his friends to steal the car.

1. Method

This type of research uses empirical legal research with a qualitative approach. Data analysis in this study uses qualitative, meaning that it describes the data that is processed in detail into (descriptive) sentences. Based on the results of the analysis, conclusions are drawn deductively, namely a way of thinking that is based on things that are general in nature and then a specific conclusion is drawn so that it can be known in this researcher. In this study, the researcher will describe the description of the subject and object of research as the results of the research he conducted.

2. Result and Discussion

3.1 The Role of the General Criminal Investigation Directorate of the Gorontalo Police in Revealing the Crime of Theft

The role played by the criminal investigation unit of the Gorontalo Police in uncovering the crime of theft by weight in its jurisdiction is by:

- 1) Receive reports from victims,
- 2) Processing reports,
- 3) Conducting the crime scene (TKP),
- 4) Looking for information around the crime scene,
- 5) Looking for evidence at the crime scene
- 6) Processing information and evidence at the crime scene,
- 7) Carry out scientific crime investigation to facilitate the investigation process,
- 8) Starting an investigation,
- 9) After finding information leading to the suspect, an arrest is made,
- 10) Conducting investigations by means of detention, confiscation, taking fingerprints and photographing suspects,
- 11) Examination of suspects and witnesses,
- 12) When it is complete then make a report of the investigation,
- 13) Submission to the prosecutor's office.

The detective acts as the ultimate function in charge of tackling/implementing action against crimes that occur. The role of investigators at the Gorontalo Regional Police is broadly revealing cases related to criminal acts that occurred in the Gorontalo area, including the case that I am currently investigating related to the theft case, which is under the Kapolda. Apart from the role of the Ditreskrim, it is also in charge of conducting investigations, investigations, and supervision of general criminal investigations, including identification fungi and field forensic laboratories. In carrying out their duties.

Based on an interview with Mr. Brigpol Hady Syaputra as a member of the Gorontal Police investigator after there was a report from the victim, the police immediately

lowered police information to the scene of the alleged crime of theft, the police information has been diffused into the community to collect data and facts related to the reported cases. Based on the results of the investigation, the detective unit immediately went to carry out an investigation. The actions taken by the Criminal Investigation Unit investigator in uncovering the crime of theft are as follows:

Examination at the scene In conducting a crime scene investigation of the theft case by weight, the General Criminal Investigation Unit of the Gorontalo Police, dispatched a maximum of five investigators to carry out an investigation. Investigators then secure the crime scene by installing a police line so that the crime scene does not change or prevent the loss of evidence. crime scene inspection is made.

Examination of witnesses in looking for witnesses for further investigation, investigators go directly to people who are in direct contact with the victim, neighbors or witnesses who happen to be at the crime scene when a crime occurs.

Collection of evidence or confiscation of objects or letters related to the examination of the case. According to Brigadier Muh Agung W.H, the confiscated items must be items related to the theft crime case. And a warrant for the confiscation must be made immediately, after that a Minutes of Confiscation is made containing a receipt for the evidence confiscated from whom, whether in control of the goods, the suspect, the reporter or another person.

Search, in conducting a search, investigators of the General Criminal Investigation Unit of the Gorontalo Police will ask for permission from the Head of the local Court. And when at the location where the case will be carried out, attaching the minutes of the examination at the TKP; minutes of examination of witnesses, experts and suspects as well as a list of evidence. After the file is complete, the investigator sends the file to the public prosecutor in two copies.

Theft laws are not the only option in criminal justice practice. There are several other laws that are often used to indict defendants in cases of theft. This is caused by the crime of theft itself which has many sides that can be partially studied. This is in accordance with the mode of the crime of theft which is quite complicated and consists of stages which can ultimately be seen as a combination of criminal acts (*concursum*).

Based on the results of research that has been carried out at the Gorontalo Regional Police through interviews with investigators and studying the case file in the form of an investigation report accompanied by 2 (two) evidence of the case file obtained. The data obtained from the case file is as a result of research and will be presented and analyzed from the theft case file with the perpetrators who are still in one group.

This crime of theft occurred on Jl.Taman Suya Kel.Dembe jaya Kec. The northern city of Gorontalo City is under the jurisdiction of the Gorontalo Regional Police and an investigation has been carried out for further detention of the accused.

Theft is an act of taking other people's goods, in part or in whole in a way that is against the law. And for more clarity, it is regulated in the Criminal Code (KUHP) Article 362, which reads:

"Anyone who takes something, wholly or partly belonging to another person, with the intention of being exalted against the law, is threatened with theft, with a maximum imprisonment of 5 years or a maximum fine of nine hundred Rupiahs".

The cause of the theft is usually due to the negligence of the community itself. As an example of a car theft case that occurred at the Acc Finace warehouse in Gorontalo City which was successfully uncovered by the Police in this case the Detectives with the help of the parties, namely "The Crime of Car Theft committed by Defendant I together with Defendant II, Defendant III, and Defendant IV against the property of the Acc Finace in the form of 1 unit of a metallic blue Toyota Avanza with Police Number DM 1186 FA. What happened on Wednesday, May 15, 2019 at around 19.30 WITA, the place was at the Acc Finace car warehouse on Jl. Taman Surya Kel Dembe Jaya Kec. North City Gorontalo City. As for the ways in which the perpetrators carried out the theft, firstly, the suspect Defendant I called his family in the Batdaa sub-district, Gorontalo district, namely Defendant II, and Defendant IV by asking for help to accompany him to pick up 1 (one) car that was in the car. at the Acc Finance warehouse and when they had gathered at 20.00 WITA Defendants I, II, II and IV headed to the Acc Finance warehouse. After arriving in front of the Acc Finance gate, Ter ordered Ms. Angki to open the gate which was locked using pliers but could not open, so Defendant I suggested using a tire wrench to open the lock, and at that time it opened immediately so Defendant I, Defendant II and Defendant III got out of the car and walked straight to the metallic blue Avanza DM 1186 FA which was parked in the Acc Finance warehouse and at that time it was Defendant I who opened the car door (using a duplicate key) and Defendants II, II and Defendant IV pushed the car out of the Acc finance warehouse area. Defendant I installed a new battery and after that took the unit back to Tuntulow village, kab. Bolmut Prov. North Sulawesi and Defendants II, III and IV at that time went straight to their homes in the sub-district of Batudaa Kab. Gorontalo.

Defendants I, II, II and Defendant IV together took the above items without the permission of the owner. The actions of the defendants are regulated and are subject to criminal sanctions in Article 365 paragraph (2) 1,2,3 of the Criminal Code. Then this case was followed up by the police in this case the investigator who was assisted by several parties so that the perpetrators could be arrested and given punishment according to their actions.

The role of the investigator at the Gorontalo Regional Police is broadly revealing cases related to criminal acts that occurred in the city of Gorontalo. To find out the extent of the role and responsibilities of Researcher in handling cases of two-wheeled and four-wheeled vehicles in the city of Gorontalo. Then the author will explain about the legal basis of the criminal investigation itself and the relationship between HTCK's working

procedures which handle high-intensity cases that occur in the community such as theft, murder, robbery, and theft itself. The roles and responsibilities of the detectives refer to the book of the Criminal Procedure Code.

3.2 Efforts made in Revealing Car Theft Cases at Acc Finance warehouse

Crime prevention efforts have been carried out by all parties, both orders, community social institutions, and society in general. Various programs and activities have been carried out while continuing to find the most appropriate and effective way to identify certain problems. Crime prevention efforts include prevention and at the same time trying to improve the behavior of someone who has been found guilty in a correctional institution. In other words, crime prevention efforts can be carried out in a preventive and repressive manner.

A. Preventive efforts

Preventive efforts are carried out by the Gorontalo City Police in tackling the crime of theft of two-wheeled and four-wheeled vehicles.

- 1) The Gorontalo City Police held an integrated security with the Gorontalo city community by holding night patrols or *siskamling*. It is hoped that this collaboration will establish good coordination between the police and the community so that they can support police performance.
- 2) Improving police performance with the term evaluation system implemented by the Gorontalo City Police such as further improving or optimizing the function of *Samapta*, namely by patrolling crime-prone areas, especially vehicle theft crimes. Patrols are carried out in residential areas.
- 3) Making banners containing appeals to the people in the Gorontalo City area. Here the Gorontalo city police put up banners containing an appeal to the public to be more careful against crime, especially motor vehicle theft. These banners are installed in areas prone to crime, as well as installed in the center of the crowd or the city center.
- 4) The Gorontalo City Police provide counseling to the community in the Gorontalo city area to be more sensitive to every crime that occurs. The people of the city of Gorontalo are expected to be more careful and always take care of themselves and protect their assets from any crime. The Gorontalo City Police also advised the public to use safety locks or alarms on their motorized vehicles. This is to minimize the crime of motor vehicle theft. And if they experience a crime, they are expected to immediately report it to the police. So that there is no delay in following up on reports from the public.

- 5) Provide education to parking attendants. The Gorontalo City Regional Police are collaborating with parking attendants by providing counseling to parking attendants regarding the crime of motor vehicle theft. By being equipped with knowledge about the crime of motor vehicle theft, it is hoped that the parking attendants can find out the modes used and carried out by the perpetrators of the crime of vehicle theft. a person who is considered suspicious and will commit a crime.
- 6) The Gorontalo City Police are collaborating with the Madiun City government to tackle the crime of motor vehicle theft. This aims to create a sense of security for the community, especially the Gorontalo Regional Police.
- 7) Provide legal guidance to the public.

B. Repressive Effort

Repressive efforts carried out by the City Police in tackling the crime of motor vehicle theft.

- 1) The Gorontalo City Police carried out an investigation into the perpetrators of the crime of theft of two-wheeled and four-wheeled vehicles. The perpetrators of the crime of theft of two and four-wheeled vehicles who were arrested and detained, then carried out an investigation.
- 2) The Gorontalo City Police conduct raids regularly and periodically to places or roads that are considered prone to criminal acts of theft of two-wheeled and four-wheeled vehicles.
- 3) Make arrests and pursuits of the theft network of two-wheeled and four-wheeled vehicles. The Gorontalo City Police cooperates with other regional police, especially those related to their jurisdictions to facilitate the pursuit and arrest of motorized vehicle theft networks. The Gorontalo City Police are also investigating the motor vehicle theft network and its handlers. So that the Gorontalo City Police can make arrests for the collectors of the goods resulting from the theft of the motorized vehicle.
- 4) Optimizing the performance and function of the Criminal Investigation Department itself by conducting investigations and investigations of the perpetrators of the crime of theft of two and four-wheeled vehicles, as well as deepening each mode of theft of two and four-wheeled vehicles. The Gorontalo City Police are also monitoring the recidivists. This is to see whether the

perpetrators who have been convicted previously committed another crime or not.

3. Conclusion

Efforts made by the Gorontalo Regional Police, especially to prevent the occurrence of car theft crimes, the police conduct raids/control operations on motorized vehicle completeness (sweeping), especially cars on a regular basis in several locations that are known to be places prone to car theft crimes, conduct counseling on the dangers of the crime of theft of motorized vehicles, especially cars, billboards advertising public services with an appeal to members of the public to be more careful in storing and or parking motorized vehicles, especially cars, in collaboration with the surrounding community to prevent the occurrence of crimes of vehicle theft by providing an appeal for community members to remind the security and security system in their respective environments by means of preventive measures in the form of raids/operations by directly involving community members to further improve security and the environment in their area by increasing siskamling and the active role of community members in an effort to improve security in their respective environments.

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