



## The Crime of Embezzlement in Criminology Studies

Hairunnisa Ismail

Faculty of Law, State University of Gorontalo, Indonesia. E-mail: [lcaaismail@gmail.com](mailto:lcaaismail@gmail.com)

**Abstract:** This study aims to identify and analyze the factors causing the crime of embezzlement of money and steps to deal with the crime of embezzlement by the Gorontalo City Police. The type of research used is Emperis research or field research with a case approach. The results of this study indicate that 2 factors are causing the crime of embezzlement in Gorontalo City, namely internal factors and external factors. Whether it's because of economic, environmental, or educational factors and committing crimes: the efforts made by the Gorontalo City Police in dealing with embezzlement of money, namely by taking preventive steps by conducting patrols, education and legal counseling and repressive (enforcement) provide strict sanctions by applicable rules

**Keywords:** *Criminology*; embezzlement of money; Gorontalo City Police;

©2023 Ismail, Hairunnisa

Under the license CC BY-SA 4.0

### **How to cite (Chicago Style):**

Ismail, Haerunnisa. " The Crime of Embezzlement in Criminology Studies" *Estudiante Law Journal* 5, no. 3 (Oktober, 2023): 630-645

## 1. Introduction

Indonesia is the highest agreement of the state's formers, even though it has experienced a constitutional test when the 1945 Constitution was amended into the Constitution of the United Republic of Indonesia in 1949, even so the recognition of the regions under the auspices of the State of Indonesia is still recognized.<sup>1</sup> An absolute requirement for state sovereignty is the existence of a society that obeys the constitution and its government.<sup>2</sup> Because the essence of the constitution is the conception of the state which is the basis and limitation of the constellation of the state administration system.<sup>3</sup> Therefore, in legal politics, a legal discovery and new law-making that is in accordance with the goals of the State is a value that must be implemented in order to achieve legal supremacy and justice.<sup>4</sup>

In our daily lives, even in society, in order to make ends meet, there are often crimes and violations committed by certain people and people who threaten some members of society, which in law is known as criminal acts.<sup>5</sup> At present, not only the crime rate or quantity of crime is increasing but also the type of crime or quality has developed rapidly in Indonesia. Criminal sanctions are seen as an effective solution in tackling this problem. Criminal sanctions are a manifestation of the state's responsibility to maintain security and order as well as efforts to protect the law for its citizens. This is a logical consequence of the concept of forming a state which, according to JJ Rosseau, is based on community agreements. Furthermore, the people agreed to enter into a noble agreement (*modus vivendi*) which was set forth in a basic law in the form of the state constitution.<sup>6</sup> Legal protection is really needed because of efforts to integrate various needs in associations so that there are no conflicts between needs and can enjoy all the rights granted by law.<sup>7</sup> The state is firmly obliged to try to fulfill the rights of every citizen.<sup>8</sup>

---

<sup>1</sup> Novendri M. Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *Lambung Mangkurat Law Journal*. 5, No. 2 (2020): 109-121., 110

<sup>2</sup> Mellisa Towadi and Nur Mohamad Kasim, "An Indication of China ' s Policy towards Uighurs and Its Implications by International Law Aspects." *Jambura Law Review*. 3, No. 01 (2021): 55-71., 69

<sup>3</sup> Ahmad dan Novendri M. Nggilu Fakultas, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian." *Jurnal Konstitusi*. 16, No. 4 (2019): 785-808., 791

<sup>4</sup> Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review*. 1, No. 1 (2019): 68-93., 73

<sup>5</sup> Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3, no. 1 (2021): 57-76., 58

<sup>6</sup> Ramdan Kasim, "Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (Overspanning van Het Straftrecht)," *Jambura Law Review*. 2, No. 1 (2020): 1-29., 3

<sup>7</sup> Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site" *Jurnal Reformasi Hukum* 24. No. 2 (2020): 189-208., 197

<sup>8</sup> Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375

Talking about crime, the notion of crime can be interpreted criminologically and juridically. Crime in the sense of criminology is a human act that has violated the rules or norms and rules that apply in people's lives. Meanwhile, crime in a juridical sense is a human act that has violated criminal provisions. Soedjono Dirjosiswoyo said that "Crime is an act that is prohibited by law and whoever commits an act that violates the law will be punished."<sup>9</sup>One example of a crime regulated in the provisions of the criminal law is the crime of embezzlement which has been regulated in Articles 372 to 377 of the Criminal Code.

Regarding the crime of embezzlement which is expressly regulated in CHAPTER XXIV Article 372 of the Criminal Code. Which essentially explains that "Anyone who intentionally violates the law owns goods that completely or partially belong to another person and is in his power not because of a crime, is punished for embezzlement with a maximum sentence of four years or a maximum fine of nine hundred rupiahs". And from the formulation of the article it can be seen that there is a Subjective element, namely "Whoever" and an Objective element, namely "Deliberately"<sup>10</sup>

However, even though they were threatened with long prison sentences, it turns out that there are still many people, especially in the City of Gorontalo, who commit crimes of embezzlement. This is due to the economic conditions of society that must force someone to commit these crimes.<sup>11</sup>

In addition to economic factors, environmental factors that are not good also greatly influence a person to commit a crime which indirectly shapes a person's behavior pattern to become increasingly deviant and not in accordance with the legal norms in force in society.

Data obtained from the Gorontalo City Police on January 4 2022 obtained data for the last 4 years for cases of embezzlement. Based on interviews with the Gorontalo City Police who served in the Criminal Investigation Section of the Gorontalo City Police. The data can be seen in the table below:

**Table: Data on Cases of Embezzlement Crimes  
At the Gorontalo City Police**

No.	Year	Total	Information
1	2019	72 Case	73
2	2020	46 Case	29

<sup>9</sup>Soedjono Dirjosiswoyo, *Ruang Lingkup Kriminologi Revisi Ke 3* (Bandung: Remaja Karya).

<sup>10</sup> Pasal 372 Kitab Undang-Undang Hukum Pidana

<sup>11</sup>Martinha Dos Santos et al., "Kajian Kriminologi Terhadap Tindak Pidana Penggelapan Kendaraan Bermotor Di Kabupaten Buleleng," *Komunitas Yustisia Universitas Pendidikan Ganesha*. vol 4, no. 2 (2021): 264-74. Hlm 265.

3	2021	41 Case	47
4	2022	60 Case	22

*Source of Empirical Data: City of Gorontalo Police*

The house does not belong to Andre, but Anjas. Ahmad fully surrenders to Andre for all the maintenance of the house that will be rented out. And after meeting an agreement, Hendra and Amar immediately transferred the rent money to Andre's account. And when Hendra and Amar were about to move the goods to the house they were going to contract, the landlord said that he had not received the rent (contract) money.<sup>12</sup>

The second case is that a young man who is also a former employee of an insurance company in Gorontalo City embezzled company money in a safe of Rp. 46,250,000 which was used and spent to play online gambling Gorontalo City Police Chief Adjunct Senior Commissioner Suka Irawanto through Head of Criminal Investigation Unit Iptu Naufal Seno explained that investigators had detained the perpetrator of embezzling money, Al Alias ON, 26 years old, a resident of Helumo Village, Suwawa District, Bone Bolango Regency, on Wednesday 05/01/2022.<sup>13</sup>

Iptu Naufal further explained that ON committed embezzlement in office by taking company money that was in the safe, where the key to the safe was in ON's possession and ON used the money to play online gambling. The evidence that has been secured is 1 key to a safe with serial number 2501.1 and proof of a checking account transaction. For the actions of the suspect in the embezzlement case, he is subject to Article 374 Jo 372 of the Criminal Code with a maximum threat of over 5 years in prison.<sup>14</sup>

And in the third case, Head of Criminal Investigation Unit of the Gorontalo City Police, Iptu Naufal Seno, explained that in November 2019 the suspect and the reporter with the initials ESP made an agreement to procure 2,000 T-shirts. And based on the agreement, the shirt will be paid for when the activity is over. However, as time has gone on from 2019 to 2020, the agreement has not been completed. ESP is one of the convection owners in Gorontalo, and in this case ESP's losses were approximately Rp. 110,000,000. Meanwhile, JK has just paid Rp. 7,000,000, which means that there are still around Rp. 103,000,000 that have not been paid off. And in this case the perpetrator was subject to Article 372

<sup>12</sup><https://Hulondalo.Id/Diduga-Gelapkan-Uang-Kontrakkan-Rumah-1-Orang-Diamankan-Polres-Gorontalo-Kota/Amp/>, Diakses Pada Tanggal 5 Januari 2022 Pukul 12.00 Wita Di Gorontalo.

<sup>13</sup> Hasil Wawancara Bersama Kasat Reskrim Iptu Naufal Seno Polres Gorontalo Kota

<sup>14</sup><https://Tribatanews.Gorontalo.Polri.Go.Id/51607/Polres-Gorontalo-Kota-Amankan-Pelaku-Penggelapan-Uang-Asuransi-Untuk-Main-Judi-Online/>, Diakses Pada Tanggal 20 Mei 2022 Hari Jum'at Pukul 10.30 Wita Di Gorontalo.

concerning the crime of embezzlement of money with a maximum threat of 4 years in prison.<sup>15</sup>

## 2. Method

The research method used in this paper is empirical research or field research with a case approach. With observation, interview and documentation techniques as a form of effort to gain clarity from something that is being discussed.

## 3. Factors Causing the Crime of Money Embezzlement in Gorontalo City Based on a Criminological Perspective

The crime of embezzlement is embezzlement means possessing goods or something that is owned by another person but the act is not a crime. In Article 372 of the Criminal Code (KUHP) it is stated: Whoever deliberately violates the law owns something or wholly or partly belongs to another person, but who is in his power not because of a crime is threatened with embezzlement, with a maximum penalty of four years or a maximum fine of nine hundred rupiahs.<sup>16</sup>

According to WABonger, "criminology is a science that aims to have the broadest possible symptoms of crime (theoretical criminology or pure criminology). Theoretical criminology is an experiential science which, like other sciences of its kind, pays attention to phenomena and tries to investigate the causes of these phenomena in a way that is inherent in them. Investigating the causes of the symptoms of these crimes is called etiology.<sup>17</sup>

According to Soedjono Dirdjosisworo, "criminology as a science that studies the consequences, improvement and prevention of crime as a human phenomenon by collecting contributions from various sciences". Strictly speaking, criminology is a suggestion to find out the causes of crime and its consequences and learn ways to prevent the possibility of crime.<sup>18</sup>

The crime of embezzlement is a crime problem that often occurs in the life of the wider community. This happens because the low level of the economy and the unfavorable environment will also influence a person to commit a crime which will indirectly form a pattern of deviant behavior in that area. As a result they will do all kinds of ways to get what they want. Following is a table of data on cases of embezzlement that were handled by the Gorontalo Police Ditreskrimum from 2019 to 2022:<sup>19</sup>

---

<sup>15</sup><https://M.Liputan6.Com/Regional/Read/4868593/Gelapkan-Uang-Ratusan-Juta-Mahasiswa-Ung-Mendekam-Di-Jeruji-Besi>, Diakses Pada Tanggal 20 Mei 2022, Jum'at Pukul 10.57 Wita Di Gorontalo.

<sup>16</sup> Muhamad Bagas Ranata, Bambang Hartono, Aprinisa, PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU TINDAK PIDANA PENGELAPAN UANG OLEH APARATUR NEGARA (Studi Putusan Nomor: 83/Pid.B/2021/PN Kbu), Suara Keadilan, 23 No. 1, (2022), 3

<sup>17</sup> Indah Sri Utari, *Aliran Dan Teori Kriminologi* (Semarang: Dua Satria Offset, 2012). Hlm 3.

<sup>18</sup> *Ibid.* Hlm 4.

<sup>19</sup> Sumber Data Empiris, Diambil Pada Tanggal 20 Mei 2022, Di Ditreskrimum Polres Gorontalo Kota.

**Table: Data on Cases of Embezzlement Crimes  
At the Gorontalo City Police**

No.	Year	Total	Information
1	2019	72 Case	73
2	2020	46 Case	29
3	2021	41 Case	47
4	2022	60 Case	22

*Source of Empirical Data: City of Gorontalo Police*

According to the author, it can be seen from the table above that there are still many people who commit crimes in this case, namely the crime of embezzlement, where the perpetrators carry out these criminal activities in the midst of society and with the many modes they use.

The crime of embezzlement committed by members of the public who have a position can be classified as an act of embezzlement funds in office as regulated in the Criminal Code (KUHP) in Article 374 which constitutes embezzlement by weighting embezzlement in the main form in article 372 of the Criminal Code.<sup>20</sup>

Based on the results of the research that the author did in order to find out what are the factors that cause the crime of embezzlement of money and what criminal policies are made by the Gorontalo City Police Resort in dealing with criminal acts of embezzlement.

And based on the results of the research that the author has conducted at the Gorontalo City Police by conducting interviews with Mr. Noval as an assistant investigator, the Criminal Investigation Unit of the Gorontalo City Police, that the factors that cause a person to commit a crime of embezzlement are:<sup>21</sup>

#### 1. Economic Factors

Economic problems are always vulnerable to poverty in society. In this case, a weak economy can be a big influence in the occurrence of crime. The people of Gorontalo City have different economic lives, starting from the lower, middle class, and the upper class. However, many of the people of Gorontalo City are

<sup>20</sup> Muh. ThezarSt dan Nurjannah, TINDAK PIDANA PENGGELAPAN DALAM JABATAN Alauddin Law Development Journal (ALDEV) 2 No 3 (2020), 329

<sup>21</sup> Wawancara bersama Bapak Noval selaku penyidik pembantu, Unit Pidum Satuan Reskrim Polres Gorontalo Kota

squeezed by a weak economy so they are willing to do anything to fulfill the necessities of life they want, namely by committing acts against the law.<sup>22</sup>The occurrence of a crime is closely related to poverty, unemployment and so on. Therefore, economic factors are related to the theory of anomie. In the theory of anomie which assumes that all people must follow a set of middle class cultural values, namely the assumption that the most important cultural value is success in the economy.

However, because the middle and lower classes do not have legal means to achieve these goals, they use illegitimate methods, such as by committing crimes to fulfill their needs.

According to researchers, economic factors are relevant to the theory of anomie and are also supported by data on economic reports in Gorontalo Province in the May 2022 period. In this case, economic growth in the first quarter of 2022 in Gorontalo Province was 3.17%, slowing compared to the previous quarter due to the performance of the foreign trade agriculture which grew more slowly compared to the previous quarter.<sup>23</sup>

And the percentage of poor people in Gorontalo Province in March 2022 was 15.42%, up 0.01% points from September 2021 and decreased 0.19% points from March 2021.<sup>24</sup>

In this case the fulfillment of the economy more and more that must be met as well as the higher the prices of needs that result in a person having to work even harder to earn income in order to fulfill their life needs.

## 2. Environmental factor

Environmental factors are one of the factors that have an influence on the occurrence of acts of theft. Someone who lives/lives in an environment that supports theft, then one day he will also commit the theft.<sup>25</sup>

Therefore, humans in their social life often have deviations from the norms, both the norms that apply in society itself or the legal norms that apply as a whole. In this case, the irregularities arising from social life, are as follows:

- a. There is chaos in the family environment and the growing feeling of discomfort.
- b. Wrong association / bad environment and education.
- c. There are no rules enforced in the family environment.

---

<sup>22</sup>Wawancara Pada Tanggal 23 November 2022, Reskrim Polres Gorontalo Kota.

<sup>23</sup><https://www.bi.go.id/Publikasi/Laporan/Lpp/Pages/Laporan-Perekonomian-Provinsi-Gorontalo-Mei-2022.aspx>.

<sup>24</sup><https://gorontalo.bps.go.id/Pressrelease/2022/07/15/858/Maret-2022--Persentase-Penduduk-Miskin-Di-Gorontalo-Sebesar-15-42-Persen.html>.

<sup>25</sup> Istijab, Kriminologi, (Pasuruan Qiara Media, 2020), 127

- d. Tolerance that is too excessive and always belittles the principles and regulations that apply.
- e. There was an environmental crisis (family, social and natural) which led to a bad direction.
- f. There are no sanctions of exclusion and environmental control against the perpetrators of crime.<sup>26</sup>

From the explanation above, the environment is also one of the factors that causes a person to commit the crime of embezzlement, where the environment that supports being able to commit this crime usually occurs in association with peers who are also criminals. In the perspective of criminology, environmental factors are related to the asocial differential theory, namely through social interaction. The asocial differential theory is based on three things, namely:

1. Everyone will accept and follow a pattern of behavior that can be done.
2. Failure to follow patterns of behavior creates inconsistency and disharmony.
3. Cultural conflict is a basic principle in explaining crime.

In the asocial differential theory it is explained that crime is learned both from behavior, communication and interactions between one party and another. Therefore, someone can make contact or contact with anyone. However, not all association with criminals will lead to criminal behavior, but what is most important is the content of the communication process with other people.

Through this process, a person learns a deviant subculture. According to Edwin Hardin Sutherland, all behavior is learned, therefore, deviant behavior is also the result of an individual's learning process. The learning process can occur because of the intensity of contact with people who deviate, while the sources of deviance in Edwin Hardin Sutherland's theory are family, peers, neighborhood, subculture, even prison.<sup>27</sup>

According to researchers, it is known that the environment can also be an opportunity to cause crime. In fact, crimes are more common in the midst of people who are unfamiliar with the law, therefore a person or perpetrator will deliberately take advantage of the situation and carry out their actions. In this case, environmental factors will greatly influence the development of crimes in the case of embezzlement of money.

### 3. Educational Factors

According to researchers, education is an important thing when it comes to crime. Education is the transformation of values and the formation of personality with all the aspects it covers. With a good education, their mindset can also express good behavior, such as having skills so they can get a decent job.

---

<sup>26</sup>Ali Qaimi, *Keluarga Dan Anak Bermasalah* (Bogor: Cahaya, 1996). Hlm 45.

<sup>27</sup>*Ibid.* Hlm 74.



Therefore, the educational factor is closely related to the background of crimes that are generally committed by people with low education, and low education is also the basis for forming their behavior or moral values.<sup>28</sup>

#### 4. Occupational Factors

Judging from the theory of criminology, namely the tense theory which assumes that humans are basically good, but because of social conditions that create pressure or stress, and tension that ultimately commits a crime.

According to the author, the necessities of life are often a factor in the emergence of crime, the high needs of life but not accompanied by a decent income often makes a person tempted and plunges himself into various forms of lawlessness, the purpose of which is only to fulfill the needs of himself and his family.

Meanwhile, on the other hand, job opportunities are still minimal and not yet reserved for all national colors, including those who do not have higher education. In this case the narrowness of employment which causes a lot of unemployment. With the large number of unemployed people, it can cause various kinds of crimes, such as theft, fraud and embezzlement of money.

#### 5. Weak Factors of Faith and Understanding of Religion

According to the Spiritualist School, states that "A person who is not religious or religious in therapy does not deepen and live up to or does not practice his religious teachings and has a weak faith, so he tends to commit crimes".<sup>29</sup>

According to researchers, weak faith and understanding of religion can make it easier for a person to be tempted into committing crimes and prohibited by the religion he adheres to, because if the person's faith and religious knowledge is weak then he will quickly make decisions to do bad things or do things that are prohibited. .

#### 6. The Factor of Intention and Opportunity

According to researchers, the existence of intention and opportunity is a driving factor for the emergence of criminal acts of embezzlement. How big the intention is if there is no opportunity, embezzlement cannot be carried out, and vice versa if there is no intention to commit embezzlement due to a good mentality but there is an opportunity then embezzlement cannot be carried out.

#### 7. Law Enforcement Factors

---

<sup>28</sup>Hasbullah, *Dasar-Dasar Ilmu Pendidikan* (Jakarta: PT Raja Grafindo, 2005). Hlm 40.

<sup>29</sup>W.A Bonger, *Pengantar Tentang Kriminologi* (Jakarta: Terjemahan R.A Koesman, 1962). Hlm 98.

According to the researchers, the low number of charges handed down to the perpetrators of criminal acts in terms of embezzlement of money has less of a deterrent effect on the perpetrators of crimes of embezzlement.

Based on the case approach by looking at the factors that cause the crime of embezzlement by using the criminological theories above, according to the researchers it is known that economic, environmental and educational factors are the factors that dominate a person committing a crime of embezzlement in the city of Gorontalo.<sup>30</sup>

### **3.1 Police Criminal Policy in Overcoming Crimes of Embezzlement of Money in the City of Gorontalo**

The crime of embezzlement is not a new crime, even though the place and time are different, the modus and operandi they use are the same, various efforts have been made by all parties to overcome crime starting from the government, law enforcers, to the community. Various kinds of programs and ideas and activities have been made and continue to look for the most effective and appropriate ways to overcome these problems.

The efforts to tackle crime in criminal politics are described in several forms, namely:

- a. Application of criminal law.
- b. Prevention without crime.
- c. Influence the public's view of crime and punishment through the mass media.<sup>31</sup>

In this case, the Gorontalo City Police provide criminal policies through preventive and repressive efforts. Preventive efforts are one way to prevent the first crime committed by someone. Based on the results of the research that the researchers have conducted by conducting interviews with Mr.<sup>32</sup>

1. Gorontalo City Police carry out investigation activities, namely to act on and respond to criminal acts in the jurisdiction of Gorontalo City
2. The Gorontalo City Police issued an appeal to all Gorontalo City people through meetings with community leaders, youth leaders and religious leaders by conducting outreach in every village or sub-district in Gorontalo City.

---

<sup>30</sup>Wawancara Pada Tanggal 23 November 2022, Reskrim Polres Gorontalo Kota.

<sup>31</sup>Barda Nawawi Arief, *Bunga Rapai Kebijakan Hukum Pidana* (Bandung: Citra Aditya Bakti, 2002). Hlm 45-46.

<sup>32</sup> Hasil Wawancara Bersama Bapak Briptu Safrudin Adam, selaku penyidik dan Bapak Noval selaku penyidik pembantu di unit pidum Polres Gorontalo Kota

In tackling criminal acts of embezzlement in Gorontalo City, the Gorontalo City Police also use repressive measures. The intended repressive effort is to take action against the perpetrators of crimes according to their actions and correct them again so that they are aware that the actions they are committing are unlawful and can harm society.

Therefore, in connection with the action taken against the perpetrators, the Gorontalo City Police took legal action by carrying out arrests, detentions, and the process of transferring cases.<sup>33</sup>

### 1. Through the Penal Path

The penal route method, namely countermeasures through the penal route, can also be referred to as efforts made by criminal law, this effort is a countermeasure that focuses more on repressive characteristics. The repressive system is of course inseparable from the criminal justice system in Indonesia, in the substance of the police, judiciary, prosecutors, judiciary, to correctional institutions which are one whole that has been structured and functionally interconnected. Crime prevention efforts can be said to create a certain situation and condition so that it becomes conducive or no crime occurs.

In the narrow sense of crime prevention, it can be interpreted that the institutions responsible for preventing a crime are the authorities or the police. However, due to various influencing factors such as the limited facilities and infrastructure owned by the police which resulted in the ineffectiveness of the duties of the police.

And in a broad sense, namely the role of society and government, government with all forms of policies carried out through legislation and official institutions that have been appointed to uphold central norms for society. The government, which has such a broad role, is the key to the strategy for tackling crime ranging from unemployment, social inequality, living standards that are still too low, to ignorance among large groups in society.

### 2. Non-Penal Line

According to Barda Nawawi Arief, efforts to deal with crime in non-penal efforts are also referred to as a form of prevention efforts that focus on preventive measures, which are preventive measures before the occurrence of a crime.<sup>34</sup>

In non penal efforts the main objective is to suppress the factors of the occurrence of crime, such as the conditions or causes of social problems that directly or indirectly cause crime. In a non-penal effort, the Gorontalo City Police in suppressing the emergence of the crime of embezzlement of money in the City of

---

<sup>33</sup>Wawancara Pada Tanggal 23 November 2022, Reskrimum Polres Gorontalo Kota.

<sup>34</sup>Barda Nawawi Arief, *Bunga Rumpai Kebijakan Hukum Pidana* (Semarang: Fajar Interpratama, 2011). Hlm 46.

Gorontalo, the Gorontalo City Police, conducts outreach or directives to the public to give an appeal so that people can be more careful.

Based on the description above, there are several ways to deal with crime and consist of several main parts, namely as follows:

a. Pre-emptive

Pre-emptive efforts are the initial efforts made by the police to prevent criminal acts from occurring. Efforts that can be made in overcoming crime in the city of Gorontalo pre-emptively are by instilling good values or norms so that these values or norms can be internalized in a person. Even though there is an opportunity to commit a crime/violation but there is no intention to do so, the crime will not occur. Therefore, in the pre-emptive effort, the intention factor is lost even though there is an opportunity to commit a crime.

b. preventive

Preventive efforts are efforts to prevent before the crime occurs. Therefore, the main point of the Gorontalo City Police in this effort is to eliminate opportunities for crimes to occur. With preventive efforts, it is realized that there will be needs to develop social incentives or social pressures and economic pressures that can influence a person's behavior towards evil deeds. In addition, preventive efforts focus attention on individuals who show criminal or social potential, even if this potential is caused by biological and psychological disturbances or lack of adequate social and economic opportunities.

Therefore, preventive efforts are how we make a positive effort, and how we can create a condition such as the economic, environmental and cultural conditions of society which become a dynamic force in development and not the other way around such as only creating social tensions that can encourage deviant behavior. And besides that, how to increase public awareness and participation that security and order is a shared responsibility.

c. Repressive

Repressive efforts are efforts to overcome crimes that are carried out after the crime has occurred whose actions are in the form of enforcing the law of the Gorontalo City Police by imposing penalties on the perpetrators of crimes in order to provide a deterrent effect and to make them aware that what they are doing is an act that violates the law and can harm society. So that the perpetrators of crimes will not do it again because the sanctions that will be borne will be very heavy.

In discussing the repressive system, of course, it cannot be separated from the Indonesian criminal justice system. Where in the criminal justice system there are 5 subsystems, namely the judiciary, the prosecutor's office, the police, the

penitentiary, and the judiciary, which is a whole that is structured and functionally related.

In this case, crime prevention efforts can mean creating certain conditions so that crime does not occur. crime as an effort that includes all actions that have a specific purpose to minimize the scope of violence from an offense either through reduction or efforts to give influence to people who can potentially become violators as well as to the general public.

Crime prevention can also be interpreted broadly and narrowly. In a broad sense, namely the government and society play an important role. For the government is the overall policy carried out through legislation and official bodies that aim to uphold the central norms in society.

The government's role is so broad, the keys and strategies in tackling crime include social inequality, national discrimination, low living standards, unemployment and ignorance among large groups of the population. In a narrow sense, the institution responsible for crime prevention efforts is the police. However, due to the limited facilities and infrastructure owned by the police, their duties have been ineffective.

#### **4. Conclusion**

The causal factors of the crime of embezzlement in Gorontalo City according to the Gorontalo City Police can be classified into 2 groups, namely external factors from outside and internal factors from within. External factors, namely, economic, environmental and educational factors. Their low economic level and high lifestyle make them commit the crime of embezzlement in order to make ends meet. Meanwhile, internal (internal) factors are the opportunity factor and the desire to have goods or money that is not their right. Apart from that, other factors that cause perpetrators to commit embezzlement are weak faith and understanding of religion which can lead them to do bad things. Gorontalo City Police in providing criminal policies to tackle criminal acts of embezzlement of money in Gorontalo City, that is, the police have used penal (repressive) and non-penal (preventive) countermeasures. Efforts made by the Gorontalo City Police in dealing with embezzlement of money, namely by taking preventive steps by conducting patrols, education and legal counseling and repressive (enforcement) provide strict sanctions in accordance with applicable regulations

#### **Reference**

##### **Book :**

Ali Qaimi, *Keluarga Dan Anak Bermasalah* (Bogor: Cahaya, 1996). Hlm 45.

Barda Nawawi Arief. *Bunga Rapai Kebijakan Hukum Pidana*. Bandung: Citra

- Aditya Bakti, 2002.
- Barda Nawawi Arief. *Bunga Rumpai Kebijakan Hukum Pidana*. Semarang: Fajar Interpratama, 2011.
- Dirjosiswoyo, Soedjono. *Ruang Lingkup Kriminologi Revisi Ke 3*. Bandung: Remaja Karya.
- Hasbullah. *Dasar-Dasar Ilmu Pendidikan*. Jakarta: PT Raja Grafindo, 2005.
- Hiariej, Eddy O.S. *Prinsip-Prinsip Hukum Pidana*. Yogyakarta: Cahaya Atma Pustakan, 2018.
- Indah Sri Utari. *Aliran Dan Teori Kriminologi*. Semarang: Dua Satria Offset, 2012.
- Istijab, Kriminologi, (Pasuruan Qiara Media, 2020), 127
- Qaimi, Ali. *Keluarga Dan Anak Bermasalah*. Bogor: Cahaya, 1996.
- Sudarto. *Hukum Dan Hukum Pidana*. Bandung: Penerbit Alumni, 1981.
- Soedjono Dirjosiswoyo, *Ruang Lingkup Kriminologi Revisi Ke 3* (Bandung: Remaja Karya).
- W.A Bonger. *Pengantar Tentang Kriminologi*. Jakarta: Terjemahan R.A Koesman, 1962

#### **Journal Article :**

- Ahmad dan Novendri M. Nggilu Fakultas, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian." *Jurnal Konstitusi*. 16, No. 4 (2019): 785-808., 791
- Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3, no. 1 (2021): 57-76., 58
- Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site" *Jurnal Reformasi Hukum* 24. No. 2 (2020): 189-208., 197
- Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375
- Mellisa Towadi and Nur Mohamad Kasim, "An Indication of China ' s Policy towards Uighurs and Its Implications by International Law Aspects." *Jambura Law Review*. 3, No. 01 (2021): 55-71., 69
- Martinha Dos Santos et al., "Kajian Kriminologi Terhadap Tindak Pidana Penggelapan Kendaraan Bermotor Di Kabupaten Buleleng," *Komunitas Yustisia Universitas Pendidikan Ganesha*. vol 4, no. 2 (2021): 264-74. Hlm 265.
- Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura*

- Law Review*. 1, No. 1 (2019): 68-93., 73
- Muhamad Bagas Ranata , Bambang Hartono, Aprinisa, PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU TINDAK PIDANA PENGGELAPAN UANG OLEH APARATUR NEGARA (Studi Putusan Nomor: 83/Pid.B/2021/PN Kbu), *Suara Keadilan*, 23 No. 1, (2022), 3
- Muh. ThezarSt dan Nurjannah, TINDAK PIDANA PENGGELAPAN DALAM JABATAN Alauddin *Law Development Journal (ALDEV)* 2 No 3 (2020), 329
- Ramdan Kasim, "Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (Overspanning van Het Straftrecht)," *Jambura Law Review*. 2, No. 1 (2020): 1-29., 3
- Santos, Martinha Dos, Made Sugi Hartono, Ni Putu, Rai Yuliantini, Program Studi, Ilmu Hukum, and Universitas Pendidikan Ganesha. "Kajian Kriminologi Terhadap Tindak Pidana Penggelapan Kendaraan Bermotor Di Kabupaten Buleleng." *Komunitas Yustisia Universitas Pendidikan Ganesha*. vol 4, no. 2 (2021): 264-74.

#### **Website :**

- <https://Gorontalo.Bps.Go.Id/Pressrelease/2022/07/15/858/Maret-2022--Persentase-Penduduk-Miskin-Di-Gorontalo-Sebesar-15-42-Persen.Html>.
- <https://Hulondalo.Id/Diduga-Gelapkan-Uang-Kontrakkan-Rumah-1-Orang-Diamankan-Polres-Gorontalo-Kota/Amp/>, Diakses Pada Tanggal 5 Januari 2022 Pukul 12.00 Wita Di Gorontalo.
- <https://M.Liputan6.Com/Regional/Read/4868593/Gelapkan-Uang-Ratusan-Juta-Mahasiswa-Ung-Mendekam-Di-Jeruji-Besi>, Diakses Pada Tanggal 20 Mei 2022, Jum'at Pukul 10.57 Wita Di Gorontalo.
- <https://Tribatanews.Gorontalo.Polri.Go.Id/51607/Polres-Gorontalo-Kota-Amankan-Pelaku-Penggelapan-Uang-Asuransi-Untuk-Main-Judi-Online/>, Diakses Pada Tanggal 20 Mei 2022 Hari Jum'at Pukul 10.30 Wita Di Gorontalo.
- <https://Www.Bi.Go.Id/Publikasi/Laporan/Lpp/Pages/Laporan-Perekonomian-Provinsi-Gorontalo-Mei-2022.AspX>.

#### **Interview**

Sumber Data Empiris, Diambil Pada Tanggal 20 Mei 2022, Di Ditreskrimum Polres Gorontalo Kota.

Wawancara Pada Tanggal 23 November 2022, Reskrim Polres Gorontalo Kota.

**Regulation:**

Pasal 372 Kitab Undang-Undang Hukum Pidana