

Investigation On The Crime Of Violent Theft In The Criminal Justice System In The Resort Police Of The Big City Of Palembang

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ABSTRACT

The current phenomenon is the crime of theft with violence or often known as robbery which is no less lively than other criminal acts. The formulation of the problems in this study are 1) How is the investigation of the crime of theft with violence in the criminal justice system at the Palembang City Police?; 2) What are the obstacles encountered in the process of investigating the crime of theft with violence in the criminal justice system at the Palembang City Police? The research method used is empirical juridical research. Sources of data used in this study consist of primary data and secondary data. Based on the results of the study, it shows that 1) Investigations into criminal acts of theft with violence in the criminal justice system at the Palembang City Police Resort have been carried out in accordance with the Criminal Procedure Code and the Law on the Indonesian National Police No. 2 of 2002, but not quite optimal. 2) Obstacles faced in Investigating the crime of theft with violence in the criminal justice system at the Palembang City Police, namely a) Obstacles to law enforcement officers. The lack of investigators makes it difficult to quickly find the identity of the suspect and the evidence used to commit theft by force or evidence of stolen objects; b) Constraints are low in public awareness. The unwillingness of the community as a witness so that the testimony of the witnesses, and c) Constraints, lack of advice and infrastructure.

Keywords: Investigation, Crime Of Theft With Violence, Criminal Justice System.

INTRODUCTION

The criminal justice system operates with the aim of enforcing criminal law, punishing those who commit crimes and providing guarantees for the enforcement of criminal law. According to Mardjono Reksodiputro, the criminal justice system as a system in society deals with crime problems in the sense of crime prevention within the limits of tolerance in society and law enforcement events in society. These values appear in the form of community reactions to any criminal policies implemented by law enforcement officials (Reksodiputro, 2019).

In the context of policing that uses a systems approach, there is a very important relationship of mutual influence between the development of crime which is now multidimensional in nature and the criminal policies implemented by the police. The

development of crime has produced three dimensions, namely: the dimensions of poverty (poverty), greed and power (Arief, 2020).

The importance of the criminal justice system which aims to control crime in society where crime, whether committed legally or not, is an act that harms society, both physically and materially. As one aspect of community life that deviates from the social norms of community life, societal crime (runaways) has become a problem because of the social problems that perpetrators and victims have in society (Atmasasmita, 2018).

Reviewed from the perspective of the Criminal Justice System (*Criminal Justice System*) then in Indonesia there are 5 (five) institutions that are sub-systems of the Criminal Justice System. The terminology of the five institutions is known as *Five Houses* law enforcers, namely Police Agencies, Prosecutors, Courts, Correctional Institutions and Advocates (Chamelin & Et, 2017). In the Criminal Justice System which culminates in a judge's "decision" or "conviction", in essence it is studied from a theoretical perspective and judicial practice, often giving rise to different terms of sentencing (sentences of disparity) and also correlations. with "Criminal Policy", where the policy formulation is strategic and determines the applicable policies. Basically the "political" context of criminal law comes from political (English) or political (Dutch) terminology. Terminology can be interpreted as a general principle that operates to direct the government (in a broad sense which includes the police) to regulate, control or solve public affairs (Chamelin & Et, 2017).

. In Palembang City, action the crime of theft with violence or often known as robbery is no less lively than other criminal acts. The number of cases of theft with violence in the city of Palembang is as follows:

Table 1
Violent Theft Cases (Begal) in Palembang City in 2020-2022

No.	Year	Number of Cases of Begal
1	2020	45
2	2021	63
3	2022	87

(Source: Palembang Polrestabas Documentation, 2022)

Based on the table above, it shows that there has been an increase in the number of cases of crimes of theft with violence (bega crimes) in 2022 when compared to 2021 and 2020. Crime is increasing in many ways with increasingly sophisticated and modern equipment, which makes modern crime even more difficult. The problem of crime is an eternal problem in human life, along with the development of an increasingly complex level of human civilization. The history of human development so far has been colored by various efforts to protect human life, where violence is a phenomenon that is used to satisfy the interests of certain groups in society or to maintain that life by society (Hagon, 2019).

Reviewed from the perspective of the Criminal Justice System (*Criminal Justice System*) then in Indonesia there are 5 (five) institutions that are sub-systems of the Criminal Justice System. The terminology of the five institutions is known as *Five Houses* law enforcers, namely Police Agencies, Prosecutors, Courts, Correctional Institutions and Advocates (Rahadjo, 1998). In the Criminal Justice System, which culminates in a "verdict" or "verdict",

the judge is essentially examined from a theoretical perspective and judicial practice often creates disparities in sentencing. (*Sentencing of Disparity*) and also correlates with "criminal policy" where formulative policies are strategic policies and determine applicable policies. Basically, the context of "policy" in criminal law comes from terminology *policy* (English) or *politics* (Dutch).

Based on the background above, the researcher is interested in raising the research title "Investigation of Violent Theft Crimes in the Criminal Justice System in the Palembang City Police Resort".

RESEARCH METHOD

Research on writing this thesis using an empirical juridical approach. Data collection techniques, carried out by way of Field Research (Field Research). Field research, namely primary data collection by conducting interviews, observation and literature study. Data analysis was carried out with the aim of simplifying the processed data so that it is easy to read and understand. The data analysis method used is a qualitative method.

DISCUSSION AND ANALYSIS

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The title of the case is also withheld for the purpose of elevating the investigative process to the investigative process. Investigations by Palembang Polrestabes investigators were carried out:

1. Arrest; After finding strong evidence in the investigation process and after holding the case title, investigators will arrest the suspect. Before the investigator decides to arrest or detain the suspect, the investigator must have sufficient preliminary evidence and the allegation that the crime was committed by the suspect. The act of arresting investigators cannot be carried out arbitrarily. To arrest someone, investigators must issue an arrest warrant accompanied by the reasons for the arrest and a brief description of the alleged crime. An arrest warrant can be issued if there is strong evidence and suspicion regarding the crime that occurred.
2. Detention; If an arrest is made, the next investigative action that must be carried out by the Palembang Polrestabes is the detention of the suspect. According to the 1945 Constitution, detention can only be carried out on the order of a lawful official according to regulations stipulated by law. After the detention of the suspect for the crime of robbery and violence, Palembang Polrestabes investigators sent an Investigation Start Warrant (SPDP) to the Palembang City Prosecutor's Office. The purpose of detention is to prevent the suspect from escaping and to destroy evidence related to the crime committed.

Investigators, judges and public prosecutors have the authority to carry out detention or further detention as stipulated in Article 20 of the Criminal Procedure Code (KUHAP). In carrying out detention or further detention, investigators, judges and public prosecutors must use a detention order. Investigators have the authority to make detentions as stipulated in Article 24 of the Criminal Procedure Code (KUHAP), namely:

- (1) Detention orders issued by investigators as referred to in Article 20 are only valid for

twenty days at most

- (2) The period referred to in paragraph (1) if necessary for the purposes of an unfinished examination, can be extended by the competent public prosecutor for a maximum of forty days.
- (3) The provisions as referred to in paragraph (1) and paragraph (2) do not rule out the possibility of releasing the suspect from detention before the end of the said detention period, if the interests of the examination have been fulfilled.
- (4) After the said sixty days, the investigator must have released the suspect from detention by law.

To carry out further detention, a resume of the results of the examination must be accompanied, so that the Attorney General has sufficient reasons to grant further detention to the suspect.

3. Search; Apart from carrying out the detention, the Palembang Police investigators also searched the suspect's house or residence and searched the suspect's body or clothes. The investigator conducting the search is linked to the District Court to supervise the search. To carry out a search, the investigator must obtain permission from the District Court, must show an assignment letter, there must be witnesses during the search at the suspect's house or residence, and the investigator must obtain a search warrant. The purpose of a body or clothing search is to search for or find objects that are related to the crime committed by the suspect. By law, there is a prohibition on searches in certain places as explained in Article 35 of the Criminal Procedure Code (KUHAP), which reads:

Except in the case of being caught red-handed, investigators are not allowed to enter:

- (1) The room where the People's Consultative Assembly, the People's Representative Council, or the Regional People's Representative Council is currently taking place;
- (2) Places of worship or religious ceremonies;
- (3) The room where the Court's decision is made.

If the search is carried out outside the jurisdiction in question, the head of the district court must know about the search and must be accompanied by investigators from the area where the search is carried out.

4. Foreclosure; One of the duties and powers of investigators in carrying out investigations is to confiscate for the purposes of evidence, especially to be used as evidence to be shown at trial. Confiscation has an important role in trial evidence, because the lack or absence of sufficient evidence can have an impact on the conviction or even the release of the suspect. When investigators carry out a confiscation, they must first show their identity and assignment letter to the owner of the goods. The types of objects that can be confiscated are objects that are related to the crime of theft with violence that occurs for the purposes of proof at the level of investigation, prosecution and trial. Based on Article 39 paragraph (1) of the Criminal Procedure Code (KUHAP), reads:
 - (1) What can be subject to confiscation are:
 - a Objects or bills of suspects or defendants which are wholly or partially allegedly obtained from criminal acts or part of criminal acts
 - b Objects used directly to commit a crime or to prepare a crime
 - c Objects used to obstruct the investigation of criminal acts

- d Objects specifically made or intended to commit a crime
 - e Other objects that have a direct relationship with the crime of confiscated goods that are used as evidence if the case has been decided, then the objects are returned to the person named in the decision.
5. Examination of suspects and witnesses; Examination of suspects and witnesses is part of the investigative process carried out by investigators from the Palembang City Police in uncovering criminal acts of theft with violence. Based on the results of the examination, the information obtained from the suspect and witness can be used as supporting evidence in uncovering the criminal act that occurred. In carrying out the examination the investigator must prepare several things, including:
1. Appointment of investigator investigators
 2. Preparation of ingredients
 3. Preparation of the inspection site
 4. Preparation of inspection facilities

During the examination, the investigator must pay attention to the rights of the suspect in accordance with existing regulations. In the context of conducting examinations of suspects, investigators from the Kota Besar Palembang Police always refer to the provisions outlined in Articles 51, 53, 114, 115 and 133 of the Criminal Procedure Code (KUHAP). The parties summoned as suspects and witnesses must come, if they do not come they will be summoned again with an order to bring officers/investigators to them.

Before conducting an examination of a suspect, investigators are required to notify suspects about their rights as stated in Article 54 of the Criminal Code (KUHAP) which reads "In the interest of defence, a suspect or defendant has the right to receive legal assistance from one or more legal advisers as long as and at each level of examination, according to the procedure specified in this law". and justice regarding a criminal case that he himself heard, saw for himself and experienced for himself.

6. Completion of the investigation; After the examination of the suspect and witnesses is deemed sufficient by the investigator, the investigator makes an official report. The minutes of this investigation are attached with all the minutes made related to the actions required in the investigation. Then after the minutes are complete, the investigator sends the file to the Attorney General's Office. If the Prosecutor's Office feels that the dossier made by the investigator is incomplete (P-19), then the Prosecutor's Office will return the dossier accompanied by instructions regarding what needs to be completed. If the Prosecutor's Office returns incomplete dossiers, the investigator must immediately carry out additional investigations in accordance with the instructions given by the Public Prosecutor. After the program document is declared complete (P21) by the Prosecutor's Office.

Therefore, Investigations into criminal acts of theft with violence in the criminal justice system at the Palembang City Police Resort have been carried out in accordance with the Criminal Procedure Code and the Law on the Indonesian National Police No. 2 of 2002, but not quite optimal. The process of investigating the crime of theft with violence in Palembang City Police Resort starting with examining the crime scene (TKP), looking for evidence left behind at the TKP, collecting witness statements, and determining the losses suffered by the victim. While the process of investigating the crime of theft with violence in Palembang City Police Resort namely arrest, detention, search, confiscation, examination of witnesses

and suspects. If during the investigation process sufficient evidence has been found and the file is complete (P21), then the file will then be transferred to the Prosecutor's Office along with the suspect.

Obstacles Faced in the Investigation of Violent Theft Crimes at the Palembang City Police Resort

Obstacles are obstacles, obstacles, difficulties or circumstances that hinder and limit the achievement of a goal. In uncovering criminal acts of theft with violence at the Palembang City Police, it is not uncommon for investigators to encounter obstacles in carrying out investigations and investigations.

The lack of witness participation in providing information during the investigation process, witness testimony is one of the pieces of evidence regulated in Article 184 paragraph (1) of the Criminal Procedure Code (KUHAP). The lack of witness testimony is usually because people are afraid to be used as witnesses and are reluctant to participate in the investigation process. Sometimes the community also tries to protect suspects because of their kinship with the suspect

It is difficult to find the suspect's identity, such as the suspect's full name and residence. Lack of supporting facilities and infrastructure in the investigation and investigation process owned by the Palembang City Police. That aside. The limited investigative budget is disproportionate to the large number of criminal acts handled by the Palembang City Police investigators and sometimes the confessions of suspects are variable or wordy, making it difficult for investigators to uncover criminal acts of theft with violence that occurred.

Related to the obstacles in the process of investigation and investigation of the crime of theft with violence above, this is closely related to the data which shows a comparison between reports and completed cases. One of the factors for the increase in cases is due to the fact that when the perpetrator commits theft the victim or the local community knows that the perpetrator commits violence to carry out the theft. In addition to the obstacles mentioned above, there are several things that hinder investigations and investigations into the crime of theft with violence because of the potential.

CLOSURE

Conclusion

Investigation of criminal acts of theft with violence in the criminal justice system at the Palembang City Police has been carried out in accordance with the Criminal Procedure Code and the Law on the Indonesian National Police No. 2 of 2002, but not quite optimal. Obstacles faced in the investigation of criminal acts of theft with violence in the criminal justice system at the Palembang City Police Resort, namely Obstacles to law enforcement agencies. Lack of number of investigators so it is difficult to quickly find the identity of the suspect and the evidence used to commit the theft with violence or evidence of stolen objects, Constraints low public awareness. The unwillingness of the community as a witness so that the testimony of the witnesses, Constraints lack of advice and infrastructure. Limited facilities and infrastructure to support investigations and investigations, very limited investigative budget, changing confessions of suspects and witnesses.

Suggestions

The public is expected to report any criminal acts of theft and violence committed by members of the Police to the authorities so that the investigation process can continue. Law enforcement officials and related parties must take a stand and fulfill their obligations to follow up on arrests and investigations of members of the National Police who commit crimes of theft and violence.

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